



***ROANOKE CITY COUNCIL  
ORGANIZATIONAL MEETING  
REGULAR SESSION***

***JULY 7, 2003  
9:00 A.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**Call to Order--Roll Call.**

A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies and to conduct interviews on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P. 12

A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

P 13

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 14

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 15

A communication from the City Attorney requesting that Council convene in a Closed Meeting for consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended.

P 16

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, FOLLOWING INTERVIEWS FOR APPOINTMENTS TO THE CITY PLANNING COMMISSION AND THE ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY.**



## ***COUNCIL WORK SESSION***

***JULY 7, 2003***

***9:00 A.M.***

***ROOM 159***

### ***AGENDA***

1. Items listed on the 2:00 p.m. Council docket requiring discussion/clarification; and additions/deletions to the 2:00 p.m. docket. (25 minutes)
2. Topics for discussion by the Mayor and Members of Council. (15 minutes)
3. Agenda items for the August 4, 2003 joint meeting of Council and the City Planning Commission. (10 minutes)
4. Briefings by City Staff:
  - Employee Survey - (15 minutes)
  - Pavement Cut Policy - (30 minutes)
  - Fair Housing Ordinance - (15 minutes)
  - Williamson Road Improvements - (15 minutes)

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M. IN THE COUNCIL CHAMBER.**



***ROANOKE CITY COUNCIL  
ORGANIZATIONAL MEETING  
REGULAR SESSION***

***JULY 7, 2003  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call.**

The Invocation will be delivered by The Reverend Veronica Venable, Staff Minister, Harvest Ministries, Church of God of Prophecy.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, July 10, 2003, at 7:00 p.m., and Saturday, July 12, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.



## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), TO OBTAIN AN APPLICATION.**

## **ORGANIZATIONAL MEETING**

A Resolution establishing a meeting schedule for City Council for the fiscal year beginning July 1, 2003 and terminating June 30, 2004, and rescheduling one regular meeting held in the month of October, 2003.

R 17

## **REGULAR SESSION**

### **2. PRESENTATIONS AND ACKNOWLEDGMENTS:**

A Resolution memorializing the late Samuel P. McNeil.

R 20

### **3. CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the special meeting of Council held on Monday, May 12, 2003, and the regular meeting held on Monday, May 19, 2003.

P 22;  
P 50

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Council Member William D. Bestpitch with regard to establishing terms of office of members of the Roanoke Neighborhood Advocates.

P 100

RECOMMENDED ACTION: Concur in the communication.

- C-3            A communication from the City Manager requesting that Council schedule a public hearing for Monday, July 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to encroachments into public right-of-way of modular newsracks at the Center In The Square and SunTrust Buildings. P 101

RECOMMENDED ACTION: Concur in the request.

- C-4            A communication from the City Manager requesting that Council schedule a public hearing for Monday, July 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request to enter into a new lease agreement with Nextel WIP Lease Corp., a Delaware general partnership, d/b/a Nextel Partners, to lease a portion of the Summit Water Tank and ground site. P 102

RECOMMENDED ACTION: Concur in the request.

- C-5            Minutes of a meeting of the Audit Committee held on Monday, June 2, 2003. P 104

RECOMMENDED ACTION: Receive and file.

- C-6            A communication from the Director of Finance with regard to requalification of the City of Roanoke Pension Plan under the Internal Revenue Code. P 111

RECOMMENDED ACTION: Receive and file.

- C-7            Qualification of the following persons:

W. Richard Clemmer, Jr., as a member of the Youth Services Citizen Board, for a term ending May 31, 2006;

James Settle as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2006;

Michael L. Ramsey as a member of the Roanoke Public Library Board, for a term ending June 30, 2006; and

Lucy R. Ellett as a member of the Roanoke Valley  
Greenway Commission, for a term ending June 30, 2006.

RECOMMENDED ACTION: Receive and file.

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**

### **5. PETITIONS AND COMMUNICATIONS:**

- a. Briefing with regard to the Campaign for Airfares. Elizabeth S. Doughty, President, Roanoke Regional Chamber of Commerce.

P 113

### **6. REPORTS OF OFFICERS:**

- a. CITY MANAGER:

BRIEFINGS: NONE.

#### ITEMS RECOMMENDED FOR ACTION:

1. Amendment to the City Code to reflect elimination of the sunset provision on the \$5.00 fee assessed on cases for courthouse security.
2. Establishment of the City's intent to continue participation in the Regional Alliance; and approval of the methodology for distribution of incentive funds.
3. Authorization to purchase property located at 120 Commonwealth Avenue, N. E., for use as a gateway to downtown Roanoke.
4. Execution of an amendment to the 2002-03 CDBG and HOME Agreement with the Roanoke Redevelopment and Housing Authority.

P 114;  
O 116

P 118;  
R 120

P 121;  
B/O 123;  
O 125

P 127;  
R 134

5. Execution of an amendment to the 2002-03 CDBG and HOME Agreement with the Blue Ridge Housing Development Corporation. P 136;  
R 138
6. Acceptance of Department of Criminal Justice Services Byrne Grant funds, in the amount of \$570,519.00; and execution of a subgrant agreement with Virginia CARES, Inc. P 140;  
B/O 152;  
R 153
7. Amendment to the City Code to allow expansion of the Downtown Residential Parking Permit Program. P 154;  
O 156
8. Authorization to purchase property rights for the Roanoke Water Pollution Control Plant Wet Weather Project. P 157;  
O 159
9. Authorization to transfer \$540,159.00 in connection with fiscal year 2003-04 funding recommendations by the Human Services Committee for certain qualified agencies. P 161;  
B/O 166
10. Acceptance of fees for training of Roanoke County police officers, recruit officers and dispatchers at the Police Academy. P 169;  
B/O 170
11. Execution of documents to refinance the HUD Section 108 Loan, and authorization to execute an amendment to the loan agreement with the Roanoke Redevelopment and Housing Authority and Hotel Roanoke, LLC.  
(Joint report of the Director of Finance and the City Manager.) P 171;  
R 173

b. DIRECTOR OF FINANCE:

1. Financial report for the month of May 2003. P 175
2. Recommendation for reappropriation of certain accounts to fiscal year 2003-04. P 195;  
B/O 197

## **7. REPORTS OF COMMITTEES:**

- a. Recommendation of the City Planning Commission to rename the Railside Linear Walk the O. Winston Link Railwalk.

P 201; R 206
-----------------

## **8. UNFINISHED BUSINESS: NONE.**

## **9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

## **12. CITY MANAGER COMMENTS:**

**CERTIFICATION OF CLOSED SESSION.**

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL FRIDAY, JULY 18, 2003, AT 12:00 NOON, FOR THE REGIONAL LEADERSHIP SUMMIT LUNCHEON TO BE HOSTED BY ROANOKE COUNTY AT VIRGINIA'S EXPLORE PARK (VISITOR CENTER THEATER), 3900 RUTROUGH ROAD, S. E., ROANOKE, VIRGINIA.**

**MOTION AND CERTIFICATION  
WITH RESPECT TO  
CLOSED MEETING**

**FORM OF MOTION:**

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

**PLEASE NOTE:**

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



**CITY OF ROANOKE  
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452  
ROANOKE, VIRGINIA 24011-1594  
TELEPHONE: (540) 853-2444  
FAX: (540) 853-1145

**RALPH K. SMITH**  
Mayor

July 7, 2003

The Honorable Vice-Mayor and  
Members of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

I wish to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith", is written over a horizontal line.

Ralph K. Smith  
Mayor

RKS:sm





**RALPH K. SMITH**  
Mayor

**CITY OF ROANOKE**  
**OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452

ROANOKE, VIRGINIA 24011-1594

TELEPHONE: (540) 853-2444

FAX: (540) 853-1145

July 7, 2003

The Honorable Vice-Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ralph K. Smith  
Mayor

RKS:sm



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

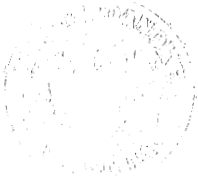
Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB/f

c: William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Mary F. Parker, City Clerk



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, reading "Darlene L. Burcham", is positioned above the printed name and title.

Darlene L. Burcham  
City Manager

DLB/f

c: William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Mary F. Parker, City Clerk



**WILLIAM M. HACKWORTH**  
CITY ATTORNEY

**CITY OF ROANOKE**  
**OFFICE OF CITY ATTORNEY**  
464 MUNICIPAL BUILDING  
215 CHURCH AVENUE, SW  
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431  
FAX: 540-853-1221  
EMAIL: [cityatty@ci.roanoke.va.us](mailto:cityatty@ci.roanoke.va.us)

**ELIZABETH K. DILLON**  
**STEVEN J. TALEVI**  
**GARY E. TEGENKAMP**  
**DAVID L. COLLINS**  
**HEATHER P. FERGUSON**  
ASSISTANT CITY ATTORNEYS

July 7, 2003

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting for consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel, pursuant to §2.2-3711.A.7, Code of Virginia (1950), as amended.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in black ink, reading "William M. Hackworth".

William M. Hackworth  
City Attorney

WMH:f

cc: Darlene L. Burcham, City Manager  
Mary F. Parker, City Clerk

WMT

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION establishing a meeting schedule for City Council for the Fiscal Year commencing July 1, 2003, and terminating June 30, 2004, and rescheduling one regular meeting to be held in the month of October, 2003.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This resolution establishes a schedule of regular meetings for City Council for the Fiscal Year commencing July 1, 2003, and terminating June 30, 2004.

2. For such fiscal year, City Council shall hold regular meetings on the first and third Mondays of each month, at the following times of commencement:

(a) Unless otherwise provided by resolution of Council, each regular meeting on the first Monday in each month shall commence at 9:00 a.m. for the conduct of informal meetings, work sessions or closed meetings. Thereafter Council shall take up the regular agenda at 2:00 p.m. Council may recess between the 9:00 a.m. session and the 2:00 p.m. session.

(b) Unless otherwise provided by resolution of Council, each regular meeting on the third Monday in each month shall commence at 2:00 p.m. for the conduct of regular business. The second meeting of each month shall be recessed upon the completion of all business except the conduct of public

hearings, and such meeting shall be reconvened at 7:00 p.m. on the same day for the conduct of public hearings.

3. With regard to the regular meetings scheduled to be held on the third Monday of each month, inasmuch as City officials and Council members will be attending the Virginia Municipal League Annual Conference to be held in Roanoke this year, an exception is noted herein and the regular meeting scheduled to be held on Monday, October 20, 2003, at 2:00 p.m. is rescheduled to be held on Thursday, October 23, 2003, at 2:00 p.m., and will be recessed upon the completion of all business except the conduct of public hearings, and such meeting shall be reconvened at 7:00 p.m. on the same day for the conduct of public hearings.

4. When any regularly scheduled Monday meeting shall fall on a holiday of the City, such meeting shall be held on Tuesday next following.

5. All meetings of City Council shall be automatically adjourned at 11:00 p.m., unless a motion setting a new time for adjournment be made, seconded and unanimously carried.

6. All regular meetings of City Council shall be held in the Council Chambers, Room 450, of the Municipal Building in this City, unless otherwise provided by resolution of Council.

7. City Council may prescribe a day or time other than that established by this resolution or a meeting place other than that established by this resolution by adoption of a

resolution establishing a new meeting day, place or time. City Council shall cause a copy of such resolution to be posted adjacent to the door of the Council Chambers and inserted in a newspaper having general circulation in the City at least seven days prior to the date of the meeting at such amended day, time or place

8. This Resolution shall have no application to special meetings of City Council called pursuant to §10 of the City Charter.

ATTEST:

City Clerk.

WMM

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Samuel P. McNeil, former Roanoke City School Board Chairman and a former President of Patrick Henry High School P.T.A.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. McNeil on Friday, June 20, 2003;

WHEREAS, Mr. McNeil spent his early years in Virginia's Tazewell and Augusta counties;

WHEREAS, Mr. McNeil attended Virginia Polytechnic Institute and graduated in 1932 with a degree in Agricultural Education;

WHEREAS, Mr. McNeil served in the U.S. Army from 1941 to 1945, attaining the rank of Major and completing a 19-month tour of duty in Europe;

WHEREAS, Mr. McNeil was at one time employed by Smith Douglas Fertilizer and Nicholas Fertilizer Corporation, and eventually founded M&M Brokerage Company;

WHEREAS, Mr. McNeil became the first president of the Patrick Henry High School P.T.A. in 1962, and was appointed a member of the Roanoke City School Board in 1964, serving as chairman from 1970 to 1976;

WHEREAS, Mr. McNeil was instrumental in establishing Blue Ridge Public Television in 1966, and was president of WBRA for 25 years;

WHEREAS, Mr. McNeil co-founded the Western Virginia Chapter of the Fellowship of Christian Athletes and was its chairman from 1963-1968;



WHEREAS, Mr. McNeil was an active member of Calvary Baptist Church where he served as a teacher and member of several committees, and was honored with the designation of Deacon Emeritus;

WHEREAS, Mr. McNeil received many awards for service to the community including an honorary membership in the Rotary Club of Roanoke as a past-president; a Distinguished Citizen Award from the Junior Chamber of Commerce in 1968; recognition as Father of the Year in Civic Affairs in 1987; the NCCJ Humanitarian Award in 1988; and induction into the Southwest Virginia Business Hall of Fame by Junior Achievement in 2001; and

WHEREAS, Mr. McNeil was an avid Hokie, and missed only two home games in Blacksburg since 1949.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Samuel P. McNeil, and extends to his family its sincerest condolences.
2. The City Clerk is directed to forward an attested copy of this resolution to Mr. McNeil's son and daughter-in-law, Samuel P. and Chris McNeil of Charlotte, North Carolina; daughter and son-in-law, Marsha and Glen Combs of Roanoke, Virginia.; and sisters, Edgar M. Hailey of Waynesboro, Virginia., and Virginia M. Null of Harrisonburg, Virginia.

ATTEST:

City Clerk.

**SPECIAL SESSION-----ROANOKE CITY COUNCIL**

**May 12, 2003**

**9:00 a.m.**

**The Council of the City of Roanoke met in special session on Monday, May 12, 2003, at 9:00 a.m., the special meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36283-042103, adopted by the Council on Monday, April 21, 2003.**

**PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor Ralph K. Smith-----7.**

**ABSENT: None-----0.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.**

**The meeting was opened with a prayer by Vice-Mayor C. Nelson Harris.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.**

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**COUNCIL-ACTS OF ACKNOWLEDGEMENT-REGIONAL CHAMBER OF COMMERCE: Barton J. Wilner, Chair, Roanoke Regional Chamber of Commerce, presented a resolution of appreciation to Council Member William H. Carder for his service as a member of Roanoke City Council. (Mr. Carder's resignation will be effective May 16, 2003.)**

**COUNCIL-BUDGET:** The Mayor advised that the purpose of the special meeting was to enact measures relative to approval of the fiscal year 2003-04 budget for the City of Roanoke.

**BUDGET-CITY CODE-TAXES-ARMORY/STADIUM-ROANOKE CIVIC CENTER:** The City Manager submitted a communication advising that funding for Phase II of improvements to the Roanoke Civic Center facility is recommended in the fiscal year 2003-04 budget, including construction of 45,000 square feet of open exhibit space, a new kitchen, new truck dock, relocated cooling tower, administrative offices, improvements to the auditorium, offices and locker rooms for sports teams and a marquee on I-581; total cost of Phase II is approximately \$14.9 million and a \$14.3 million bond issue is recommended to fund the project; and in order to generate adequate revenues to service the debt, a 1.5 per cent City-wide rate increase in the City's Admissions Tax was approved in the fiscal year 2003 budget with the intent to request General Assembly approval during the 2003 Session for authority to levy a higher tax rate at Civic Facilities in fiscal year 2004.

It was explained that in the General Assembly's 2003 session, the City was granted approval to levy a higher Admissions Tax rate for events held at the Civic Center and Stadium/Amphitheater than for events held at all other facilities; in order to service the debt on Phase II improvements, a 9% rate is recommended for events held at the Civic Center and Stadium/Amphitheater; the higher rate allows for a reduction of the current rate of 6.5% for events held at all other facilities in the City to 5.5%; and the rate increase would be effective January 1, 2004.

The City Manager recommended that Council approve an ordinance amending section 32-217 of the Code of the City of Roanoke (1979), adjusting the admissions tax to 9% on events held at the Civic Center and Stadium/Amphitheater facilities and 5.5% on events held at all other facilities in the City, effective January 1, 2004.

Mr. Harris offered the following ordinance:

(#36306-051203) AN ORDINANCE amending §32-217, Levied rate, of Article IX, Admissions tax, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, in order to increase the admissions tax on the stated admission charge to events held at the Civic Center, Stadium and Amphitheatre from six and one-half percent (6.5%) to nine percent (9%); and setting the admissions tax at five and one-half percent (5.5%) on the stated admission charge to events held at any other places of amusement or entertainment in the City; dispensing with the second reading of this ordinance and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 67, page 232.)

Mr. Harris moved the adoption of Ordinance No. 36306-051203. The motion was seconded by Mr. Dowe.

Mr. E Duane Howard, 508 Walnut Avenue, S. W., expressed concern that the Council meeting was being held at 9:00 a.m. on a Monday morning, which is a time that would be inconvenient for most citizens to attend; and called attention to those citizens who have thanked him for appearing before Council and expressing his views at City Council meetings. He stated that certain items on today's agenda will be addressed by the citizens of Roanoke when they cast their votes at the Councilmanic election in May, 2004.

Ordinance No. 36306-051203 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-CITY CODE-TAXES-TELEPHONE COMPANIES:** The City Manager submitted a communication advising that the Commonwealth of Virginia authorizes any locality providing Enhanced 9-1-1 (E9-1-1) service to its citizens to impose a special tax on the consumers of telephone service in order to support the cost of operations; Section 58.1-3813.1, Code of Virginia, limits the rate to a monthly fee not to exceed \$3.00 per telephone line; the tax is collected by telephone companies and remitted to the locality; and amounts collected are to be used solely to pay for capital and operating expenses incurred by the locality to provide the service.

It was further advised that the City of Roanoke currently has an E9-1-1 rate of \$1.45 per month which was increased in 1997 from \$0.99 to help pay for the regional 800 Mhz radio system upgrade; the current rate of \$1.45 per month generates approximately \$1.2 million in revenue and funds only 49% of the total cost of the E9-1-1 Center; and in fiscal year 2004, the E9-1-1 center will need additional personnel to answer the substantial volume of wireless E9-1-1 calls mandated but not fully funded by the State.

It was explained that the City administration recommends a \$0.55 increase in the tax rate to bring the monthly rate to \$2.00, which will fund 80% of the E9-1-1 center's operating costs, including additional personnel; a \$3.01 rate would be needed to fully fund the total cost of the E9-1-1 center; an October 1, 2003 effective date is required to meet the 120 day notice requirement mandated by State Code to

allow phone companies sufficient time to adjust their systems for the new rate; and based on the October effective date, it is estimated that the City will collect an additional \$373,542.00 in fiscal year 2004.

The City Manager recommended that Council adopt an ordinance amending Section 32-276 of the City Code adjusting the Enhanced 9-1-1 tax to \$2.00 per month, effective October 1, 2003.

Mr. Cutler offered the following ordinance:

(#36307-051203) AN ORDINANCE amending and reordaining §32-276, Tax levied; amount, of the Code of the City of Roanoke (1979), as amended, to provide for an increase in the special tax imposed on the consumers of telephone service to offset costs attributable to the Enhanced 911 Emergency Telephone System; providing for an effective date; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 233.)

Mr. Cutler moved the adoption of Ordinance No. 36307-051203. The motion was seconded by Mr. Dowe.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., expressed concern with regard to the proposed increase in the special tax on consumers of telephone service to offset costs attributed to the Enhanced 911 Emergency Telephone System. He advised that many citizens of Roanoke can no longer afford telephone service which is a basic necessity of life.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., requested that the E911 surcharge not be enacted. She called attention to elderly citizens experiencing health problems who frequently call the E911 emergency number when they need to be transported to medical facilities, and advised that some of these persons cannot afford to pay their medical bills and must frequently choose between purchasing medication or food.

Ordinance No. 36307-051203 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Dowe-----6.

NAYS: Mayor Smith-----1.

**BUDGET-CITY CODE-TAXES:** The City Manager submitted a communication advising that the Code of Virginia classifies property owned by a business for short-term rentals as merchant's capital, and as such, is subject to a Merchant's Capital Tax that can be levied by a locality; however, localities that have a Business License Tax, such as Roanoke, cannot also levy a Merchant's Capital Tax; as a result, property owned by a business for short-term rentals in Roanoke, and other similar localities, is not subject to any type of personal property tax; and to offset the tax system inequity, the Code of Virginia, Section 58.1-3510.1, offers localities the option to levy a tax on short-term rental businesses of up to one per cent of gross proceeds, excluding sales tax.

It was further advised that short-term rental property may consist of videos, furniture, construction equipment or any other property that is rented on a short-term basis, excluding vehicles and trailers; and a business is considered to be engaged in the short-term rental business if not less than 80 per cent of gross rental receipts are from transactions involving rental periods of 92 consecutive days or less.

It was explained that a one per cent tax rate on daily rental business in the City will affect approximately 20 businesses and is estimated to generate \$104,167.00 for fiscal year 2004 based on a September 1, 2003 implementation date; in years after fiscal year 2005, the tax is expected to generate approximately \$125,000.00 in revenues; the City of Salem implemented a short-term rental tax in 1999 and Roanoke County has considered the tax but has not yet implemented it; six cities in the Virginia's First Cities Coalition have implemented a one per cent rate on rental gross proceeds; and a September 1, 2003 effective date would allow time for businesses to adjust their systems to provide for proper collection and remittance of the tax to the City.

The City Manager recommended that Council approve an ordinance adopting a one per cent short-term rental tax on gross proceeds from daily rental activity, effective September 1, 2003.

Mr. Carder offered the following ordinance:

(#36308-051203) AN ORDINANCE amending Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, by the addition of a new Article XV, Short-term Rental Tax, consisting of §§32-300 through 32-311, pursuant to the authority contained in §58.1-3510.1, Code of Virginia (1950), as amended; providing for an effective date, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 235.)

Mr. Carder moved the adoption of Ordinance No. 36308-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Dowe-----6.

NAYS: Mayor Smith-----1.

**BUDGET-SEWERS AND STORM DRAINS-FEE COMPENDIUM:** The City Manager submitted a communication advising that the Special Consent Order entered into by the City of Roanoke and the Commonwealth of Virginia requires improvements to the Regional Water Pollution Control Plant to address wet weather capacity needs; construction costs are estimated at \$43.6 million, with total project costs estimated at \$47.7 million, which includes construction as well as design costs, property acquisition, and construction of new road segments to serve areas of the neighborhood around the plant affected by expansion; and the City's share of the project is estimated at \$23.6 million.

It was further advised that a sewage standard treatment charge increase is needed to meet project funding requirements; the current sewage standard treatment charge of \$1.62 per 100 cubic feet (100 cu ft.) became effective on July 1, 1999; and staff from the Departments of Utilities and Finance recommend the following rate changes:

- A 20 per cent increase effective July 1, 2003 from \$1.62 to \$1.94 per 100 cu ft.
- A 15 per cent increase effective July 1, 2004 from \$1.94 to \$2.23 per 100 cu ft.
- Elimination of Special Industrial Sewage Treatment Charges under the Industrial Cost Recovery portion of the Fee Compendium, effective July 1, 2003.

It was explained that the recommended rate increase is expected to generate \$1.4 million in revenue for fiscal year 2004 and \$2.7 million annually starting in fiscal year 2005, which funding level will meet expected principal and interest payments of the planned improvements, as well as address operating costs of the expanded facility, including funding for future capital requirements.

It was noted that a residential consumer generating 5,000 gallons of wastewater per month can expect to see an increase of \$2.16 per month, from \$10.80 to \$12.96, for fiscal year 2004 and \$1.91 per month, from \$12.96 to \$14.87, for fiscal

year 2005; total increase from the current sewage standard treatment charge is \$4.07 per month; and the State average wastewater bill as reported by the 2002 Virginia Municipal League and Virginia Association of Counties joint survey is \$22.03 per month.

The City Manager advised that elimination of the Special Industrial Sewage Treatment Charges is also recommended, which charge was intended to assess industrial customers that discharge high strength waste to the City's wastewater collection system additional fees for treatment of the higher strength waste, however, less than ten customers are affected by the requirements; monitoring and laboratory charges cost customers an average of \$926.00 per year, in addition to the program fee which varies by waste discharge; monitoring charges are not sufficient to cover the costs incurred by the City to administer the program; and the above referenced sewage standard treatment charge applies to these customers.

The City Manager recommended that Council approve revised sewage treatment charges as above described and amend the City's Fee Compendium accordingly.

Mr. Carder offered the following ordinance:

(#36309-051203) AN ORDINANCE changing the rate structure and establishing a revised rate schedule for certain sewage treatment charges; directing amendment of the Fee Compendium; establishing effective dates for the revised rates; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 242.)

Mr. Carder moved the adoption of Ordinance No. 36309-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-ANIMALS/INSECTS-REFUSE COLLECTION-FEE COMPENDIUM-LIBRARIES-TRAFFIC:** The City Manager submitted a communication advising that in developing the budget for fiscal year 2003-04, City departments were asked to reduce their budgets to help make up for the losses in State aid and identify ways to re-engineer services to generate cost savings for their departments; departments



were also asked to review fee structures and, where feasible, propose fee schedule changes that maintain fee uniformity between Roanoke and other localities, while recovering the cost of providing services; and the recommended fiscal year 2003-04 budget incorporates a number of proposed fee structure changes for animal impoundment, solid waste collection, libraries and parking fees, which proposed changes are reflected in budget ordinances presented for adoption by Council for fiscal year 2003-04 and will be effective July 1, 2003.

#### **Animal Impoundment Fees:**

The City of Roanoke is a participant in the Roanoke Valley Society for the Prevention of Cruelty to Animals (SPCA); with construction of a new facility, payments due from the City of Roanoke in support of the SPCA have increased \$191,000.00 for fiscal year 2004; to help recover a portion of the rising cost of the City's commitment, an increase in several Animal Impoundment Fees is considered necessary; first Impoundment fees are recommended to be increased from \$20.00 to \$25.00 and Daily Boarding fees from \$8.75 to \$10.00; and estimated additional revenue generated by the changes for fiscal year 2004 totals \$5,250.00.

#### **Solid Waste Collection Fees**

The City offers solid waste collection services to residents and businesses inside and outside of the Central Business District (CBD); residential collections take place once a week, outside CBD commercial collections take place twice a week and for businesses inside the CBD, collections are offered up to six times per week; average monthly cost of collections in the CBD is \$193.00 per customer; and the City's current CBD rate structure is not sufficient to fully fund the cost of providing more than one collection per week at current rates.

The solid waste management fee schedule has two rate structures, a Central Business District rate and a rate for all other commercial customers outside of the Central Business District; in an effort to collect a larger percentage of costs, it is recommended that CBD collection fees for restaurants, offices and financial institutions be raised from \$50.00/month to \$100.00/month and CBD fees for specialty retail shops, health organizations, churches and nonprofits be raised from \$30.00/month to \$60.00/month, effective July 1, 2003; businesses

outside the Central Business District would no longer be provided more than one collection per week, and the current fee for the enhanced service level would be eliminated; businesses would then be provided with a similar level of “free” service as residential customers; and additional revenue generated in fiscal year 2004 as a result of the fee changes is estimated to be \$54,000.00.

#### Library Copy Fees

The library currently makes available coin-operated copiers for citizen use; copiers are in need of replacement and new equipment would be obtained through a leasing agreement; the City currently has a City-wide standard photocopy fee for citizens of \$.05 per page; with the high volume experienced on citizen use of library copiers, it is recommended that the libraries establish a rate specifically applicable to copiers used in their facilities; new fees for copies would be \$1.00 per color copy and \$.10 per black and white photocopy or laser printed page; revenue from fee increases would be partially offset by additional costs incurred for the lease, service and ancillary costs of the new machines generating an estimated net revenue to the City for fiscal year 2004 of approximately \$5,000.00.

#### Parking Fees

Current parking fees for City owned or controlled downtown parking facilities were established by Resolution Nos. 34770-050100, 35558-090401 and 36092-101502; in an effort to establish a more uniform rate structure for the entire parking system, certain increased fees are recommended; the proposed fees include an authorization for the City Manager to reduce any of the fees by up to \$10.00 if the City Manager determines such a reduction is needed for any of the parking facilities in accordance with certain guidelines, which will allow the City Manager to adjust rates to demands as necessary without requiring action by Council, at a future Council meeting, the City Administration will present a validation program for businesses in the Central Business District; the program will allow downtown businesses the option of purchasing parking validation stickers at a discount rate to give to customers that park in City parking facilities; and revenues generated from proposed fee changes will support additional maintenance needs of the parking facilities.

**Current procedures authorize the City Manager to modify or waive parking fees for City sponsored events, or for other events as deemed appropriate by the City Manager, which is recommended to be continued; and procedures further provide that any late payment of monthly parking fees or nonpayment of daily parking fees be subject to certain charges set forth in an attachment to the communication; it should also be provided that parking fees and charges set forth in the attachment will not be applicable to parking agreements that provide for a specific parking fee, or other method of payment for a specific period of time, unless otherwise provided for in such agreements, or until such agreements expire or are terminated.**

**The City Manager recommended that Council adopt resolutions and amend the City's Fee Compendium to reflect changes in animal impoundment fees, solid waste collection fees, library fees and parking fees, effective July 1, 2003.**

**Mr. Dowe offered the following resolution:**

**(#36310-051203) A RESOLUTION amending the City's Fee Compendium to increase the fees for impoundment of animals, photocopy fees at the libraries, and refuse collection in the Central Business District, as set out below; and establishing effective dates.**

**(For full text of Resolution, see Resolution Book No. 67, page 243.)**

**Mr. Dowe moved the adoption of Resolution No. 36310-051203. The motion was seconded by Mr. Carder.**

**Mr. E. Duane Howard, 508 Walnut Avenue, S. W., expressed opposition to increasing the fee for the photo copying of documents at Roanoke's Public Libraries. He stated that photocopies should be provided free of charge to the citizens of Roanoke inasmuch as taxpayers' dollars funded the initial cost of equipment.**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., requested that Council not increase the price of photocopying at the City's libraries, which will deprive students from acquiring the knowledge they need to complete homework assignments. She stated that it is unfortunate that Roanoke's disadvantaged citizens do not have computers or photocopy equipment in their homes, their children must use computers and photocopy documents from Roanoke's public libraries, therefore, \$ .10 per page for a black and white copy and \$1.00 per color copy is too high. She**

advised that the City purchases paper, cartridges, etc., in bulk, therefore, the savings incurred from purchasing in bulk should be passed on to the consumer, and especially to the City's working poor. She suggested that current rates be retained and that the City review the feasibility of providing computers and photocopy equipment for each disadvantaged household in the City of Roanoke, which is currently provided by certain other localities. She asked that the City of Roanoke take into consideration the needs of disadvantaged citizens who live on fixed incomes.

Resolution No. 36310-051203 was adopted by the following vote:

**AYES:** Council Members Harris, Wyatt, Bestpitch, Carder, Cutler Dowe and Mayor Smith-----7.

**NAYS:** None-----0.

**BUDGET-FEE COMPENDIUM-PARKING FACILITIES:** Mr. Cutler offered the following resolution providing for amendment of fees charged at certain City parking garages:

(#36311-051203) A RESOLUTION providing for an amendment of the fees charged at Century Station Parking Garage, Church Avenue Parking Garage, Gainsboro Parking Garage, Market Square Parking Garage, Tower Parking Garage, Williamson Road Parking Garage, Bullitt Avenue Surface Parking Lot, Church Avenue Surface Parking Lot, Gainsboro Surface Parking Lot, Salem Avenue Surface Parking Lot, Viaduct Surface Parking Lot, and Williamson Road Surface Parking Lot; authorizing the City Manager to modify, waive, or reduce such parking fees under certain conditions; providing for assessment of certain fees for late payment or nonpayment of such parking fees; and directing amendment of the Fee Compendium.

(For full text of Resolution, see Resolution Book No. 67, page 245.)

Mr. Cutler moved the adoption of Resolution No. 36311-051203. The motion was seconded by Mr. Dowe.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., advised that the City of Roanoke says that it is concerned about the economy and wishes to encourage more people to visit downtown Roanoke; however, proposed increases in the rates to park in downtown parking garages, library photocopy fees, and the Roanoke Civic Center admissions tax will cause people to go elsewhere to shop, to conduct business, and to attend entertainment venues.

**Resolution No. 36311-051203 was adopted by the following vote:**

**AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.**

**NAYS: None-----0.**

**DIRECTOR OF FINANCE-BUDGET:** The Director of Finance submitted a Certificate advising that in accordance with paragraphs (b) and (i) of Section 25.1 of the Charter of the City of Roanoke, funds required for the 2003-04 General Fund, Water Fund, Water Pollution Control Fund, Civic Facilities Fund, Parking Fund, Market Building Operations Fund, Department of Technology Fund, Fleet Fund, Risk Management Fund, School Fund, School Food Services Fund and Grant Fund budgets will be available for appropriation.

Without objection by Council, the Mayor advised that the Certificate would be received and filed.

**BUDGET-POLICE DEPARTMENT-PAY PLAN-FIRE DEPARTMENT-COMMITTEES-CITY COUNCIL-CITY EMPLOYEES-EMERGENCY MEDICAL SERVICES:** Mr. Carder offered the following ordinance:

**(#36312-051203) AN ORDINANCE to adopt and establish a Pay Plan for officers and employees of the City, effective July 1, 2003; providing for certain salary adjustments and merit increases; authorizing annual salary increments for certain officers and employees for use of private motor vehicles; authorizing annual salary increments for sworn police officers assigned to the Criminal Investigation Division; authorizing annual salary increments for certain members of the Fire-Emergency Medical Services Department who are certified as Emergency Medical Technicians; authorizing annual salary increments for certain members of the Fire-Emergency Medical Services Department who are members of the Regional Hazardous Materials Response Team; providing for continuation of a police career enhancement program; providing for continuation of a Firefighter/Emergency Medical Technician merit pay program; providing for a Community Oriented Policing Effort program; providing for payment of a monthly stipend to certain board and commission members; establishing the annual salaries of the Mayor, Vice-Mayor and Council members for the fiscal year beginning July 1, 2004; repealing Ordinance No. 35847-051302, adopted May 13, 2002, to the extent of any inconsistency; providing for an effective date; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 252.)**

**Mr. Carder moved the adoption of Resolution No. 36312-051203. The motion was seconded by Mr. Bestpitch.**

**Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke against the proposed pay increase for Council Members in view of the fact that so many citizens are suffering financially as a result of today's economy.**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke in opposition to a proposed pay increase for Council Members. She stated that no notification was provided to citizens that Council intended to act on a pay increase and questioned whether such action is an indication of open government. She requested that funding for the six Fire/EMS positions be reinstated in the 2004 fiscal year budget so that citizens of Roanoke will be adequately protected. She advised that citizens who address Council are present out of a desire to make the City a better place; it is their right to express agreement or disagreement with the management of the City, which is a part of the democratic process; and citizens should have the right to express their opinion by applauding during Council proceedings, when appropriate.**

**The Mayor advised that in the year 2000, he advocated the appointment of an independent body to make recommendations regarding the salary of the Mayor and Members of City Council, which would provide a non-political way to address the matter in the future.**

**Ms. Wyatt moved that the ordinance be amended to delete the following: "establishing the annual salaries for the Mayor, Vice-Mayor and Council Members for the fiscal year beginning July 1, 2004." The amendment was seconded by Mr. Harris.**

**Mr. Bestpitch called attention to three general positions on the subject of salary increases for the Mayor and Members of City Council; i.e.: (1) the salaries should never be increased at anytime and under any circumstances; (2) the position that another entity should decide what is the appropriate salary for the Mayor and Members of City Council; and (3) no organized effort has been made by any person to develop a different procedure for establishing salaries for the Members of Council. He stated that those persons who contend that the salary should not be increased are implying that only those persons who are wealthy enough not to need a meaningful salary should ever be elected to City Council, which perspective is irresponsible and unfair to future members of City Council, because it places those persons in a situation of either having to serve with a salary that is so small that it becomes meaningless, or the Council is forced into a position of making a significant adjustment as previous Council have attempted to do from time to time. He advocated that salaries for Council Members should be increased on an annual basis by the same percentage as the increase in salaries for City employees.**

Mr. Bestpitch explained that the ordinance currently before the Council is to increase the salaries by the 2.25 per cent that City employees will receive; State law requires that any increase in a Council salary be adopted prior to the next Councilmanic election, but the increase will not take effect until July 1 following the Councilmanic election; the 2.25 per cent increase is reasonable; and it is unfair not to increase Council salaries by a modest amount on a regular basis.

Mr. Dowe spoke in support of appointment of an independent entity that would be changed with the responsibility of reviewing the Council's salary.

Mr. Carder advised that Council will be voting for a pay increase for the next Council which takes office on July 1, 2004. He stated that he planned to support the pay increase because it is the right thing to do for Council Members who devote an untold number of hours on City business.

The amendment to the ordinance was lost by the following vote:

AYES: Council Members Harris, Wyatt and Dowe----- 3.

NAYS: Council Members Bestpitch, Carder, Cutler and Mayor Smith----- 4.

Ordinance No. 36312-051203 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler and Dowe-----6.

NAYS: Mayor Smith ----- 1.

**BUDGET-PAY PLAN-CITY TREASURER-COMMISSIONER OF REVENUE-CITY SHERIFF-COMMONWEALTH'S ATTORNEY-CIRCUIT COURT:** Mr. Carder offered the following ordinance establishing salaries for the Constitutional Officers:

**(#36313-051203) AN ORDINANCE** establishing compensation for the Sheriff, Treasurer, Commissioner of Revenue, Commonwealth's Attorney, and Clerk of Circuit Court for the fiscal year beginning July 1, 2003; authorizing execution of revised contracts with the Sheriff, Treasurer, Commissioner of Revenue and Clerk of Circuit Court with respect to their employees participating in the City's Classification and Pay Plans, to reflect a revised method for establishing the compensation of these officers; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 257.)

Mr. Carder moved the adoption of Ordinance No. 36313-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

NAYS: None-----0.

BUDGET: Mr. Dowe offered the following ordinance adopting the annual General Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004, in the amount of \$204,800,894.00:

(#36314-051203) AN ORDINANCE adopting the annual General Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 258.)

Mr. Dowe moved the adoption of Ordinance No. 36314-051203. The motion was seconded by Mr. Cutler.

Mr. Carder expressed concern with regard to previous statements that the proposal of the City Manager to unfund six positions in the Fire/EMS department would endanger the lives of citizens. He stated that the City Manager and the Fire Chief would not submit a recommendation to Council that they believed would, in any way, endanger the lives of citizens. He spoke in defense of the City Manager and the Fire Chief, and offered a substitute motion that the City Manager be directed to unfund the six positions in the Fire/EMS Department as previously recommended by the City Manager.

The substitute motion failed for lack of a second.

Mr. Bestpitch requested that the record reflect that he was misquoted in a recent newspaper article that unfunding the six positions would, "invariably endanger our citizens;" however, his statement was, "at some point, reductions in fire personnel would lead to endangerment of citizens." He stated that the City currently has 255 positions approved for operational staff that respond to calls in the Fire and EMS service; four months ago, 255 individuals filled those positions, but in four months time 14 vacancies have occurred, therefore, currently 241 fire staff are available; and a 67 person minimum per shift per day is needed in order to



staff all fire engines, ladder trucks and rescue vehicles. He stated that in the budget study briefing, Council was told that the Fire Chief uses a multiplier of 3.65, 67 times 3.65 equals 245 positions; if the number falls below 245, overtime worked by some fire personnel can make up the difference, but the question is, at what point does excessive overtime become a problem, even if it is worked on a voluntary basis. He called attention to situations where staff might be called upon to work so much overtime that they become stressed and unable to perform at an acceptable level. He added that as a part of the City Manager's briefing, he expected an explanation of the mathematical calculation that was used to reach the recommendation to unfund the six positions, however, no mathematical calculation was forthcoming, and until a better explanation is provided of exactly how to calculate a better number, along with a comprehensive analysis of other cities, he could not support unfunding the six positions for fire service.

Mr. Dowe advised that he supports funding for the six firefighter positions; however, many citizens have expressed the desire that they do not want fees and taxes to be increased. He stated that the ability to keep fees and taxes low, along with the ability to fund the entire City work force, coupled with State and Federal challenges, will have to be addressed at some point in the future, and discussion is needed to reach a better understanding with citizens.

The Mayor advised that 67 fire personnel are on duty on a daily basis which is double the per capita of certain other comparable sized cities. He stated that the Roanoke Firefighters Association is a formidable political force in the City of Roanoke.

In response to the Mayor's statement, Ms. Wyatt advised that Roanoke City operates a stand alone fire department, and those fire departments referenced by the Mayor in other localities are backed up by other jurisdictional fire departments; i.e: if Virginia Beach has a fire, the fire is covered by fire departments from Norfolk, Portsmouth and Chesapeake, etc. She stated that the Roanoke Firefighters Association has as much right to advocate its "political agenda" as does the Roanoke Regional Chamber of Commerce, Downtown Roanoke, Inc., and Center In the Square, etc., which is a part of the democratic process.

Mr. Harris called for the question; whereupon, Ordinance No. 36314-051203 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, and Dowe-----6.

NAYS: Mayor Smith -----1.

**BUDGET-WATER RESOURCES:** Mr. Harris offered the following ordinance adopting the annual Water Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004, in the amount of \$14,511,299.00:

(#36315-051203) AN ORDINANCE adopting the annual Water Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 263.)

Mr. Harris moved the adoption of Ordinance No. 36315-051203. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-SEWERS AND STORM DRAINS-WATER RESOURCES:** Mr. Harris offered the following ordinance adopting the annual Water Pollution Control Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003 and ending June 30, 2004, in the amount of \$11,345,639.00:

(#36316-051203) AN ORDINANCE adopting the annual Water Pollution Control Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 264.)

Mr. Harris moved the adoption of Ordinance No. 36316-051203. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-ROANOKE CIVIC CENTER:** Mr. Harris offered the following ordinance adopting the annual Civic Facilities Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004, in the amount of \$5,242,047.00:

**(#36317-051203) AN ORDINANCE** adopting the annual Civic Facilities Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 265.)

Mr. Harris moved the adoption of Ordinance No. 36317-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

**NAYS:** None-----0.

**BUDGET-PARKING FACILITIES:** Mr. Harris offered the following ordinance adopting the annual Parking Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004, in the amount of \$5,422,784.00:

**(#36318-051203) AN ORDINANCE** adopting the annual Parking Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 267.)

Mr. Harris moved the adoption of Ordinance No. 36318-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

**NAYS:** None-----0.

**CITY MARKET-BUDGET:** Mr. Harris offered the following ordinance adopting the annual Market Building Operations Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004, in the amount of \$329,043.00:

**(#36319-051203) AN ORDINANCE** adopting the annual Market Building Operations Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 269.)

Mr. Harris moved the adoption of Ordinance No. 36319-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

**NAYS:** None-----0.

**BUDGET-CITY INFORMATION SYSTEMS:** Mr. Harris offered the following ordinance adopting the annual Department of Technology Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004, in the amount of \$5,517,185.00:

**(#36320-051203) AN ORDINANCE** adopting the annual Department of Technology Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 270.)

Mr. Harris moved the adoption of Ordinance No. 36320-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

**NAYS:** None-----0.

**BUDGET-FLEET MAINTENANCE FUND:** Mr. Harris offered the following ordinance adopting the annual Fleet Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004, in the amount of \$5,259,015.00:

**(#36321-051203) AN ORDINANCE** adopting the annual Fleet Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 271.)

Mr. Harris moved the adoption of Ordinance No. 36321-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

**NAYS:** None-----0.

**BUDGET-RISK MANAGEMENT FUND:** Mr. Harris offered the following ordinance adopting the annual Risk Management Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004, in the amount of \$14,039,624.00:

**(#36322-051203) AN ORDINANCE** adopting the annual Risk Management Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 273.)

Mr. Harris moved the adoption of Ordinance No. 36322-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

**NAYS:** None-----0.

**BUDGET-SCHOOLS: Mr. Cutler offered the following ordinance adopting the annual School Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004.**

**(#36323-051203) AN ORDINANCE adopting the annual School Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 274.)**

**Mr. Cutler moved the adoption of Ordinance No. 36323-051203. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Harris, Bestpitch, Carder, Cutler and Dowe-----5.**

**NAYS: Council Member Wyatt and Mayor Smith-----2.**

**BUDGET-SCHOOLS: Mr. Harris offered the following ordinance adopting the annual School Food Services Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004, in the amount of \$4,858,258.00:**

**(#36324-051203) AN ORDINANCE adopting the annual School Food Services Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 277.)**

**Mr. Harris moved the adoption of Ordinance No. 36324-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-GRANTS: Mr. Harris offered the following ordinance adopting the Grant Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004, in the amount of \$91,000.00:**

**(#36325-051203) AN ORDINANCE adopting the Grant Fund Appropriations of the City of Roanoke for the fiscal year beginning July 1, 2003, and ending June 30, 2004; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 278.)**

**Mr. Harris moved the adoption of Ordinance No. 36325-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-HOUSING/AUTHORITY-GRANTS:** The City Manager submitted a communication advising that in order to receive Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) funding, the U. S. Department of Housing and Urban Development (HUD) requires that entitlement localities, such as the City of Roanoke, submit a Five-Year Consolidated Plan and Annual Updates.

It was further advised that on April 7, 2003, Council received a summary of the draft plan which was distributed to the public on March 27, 2003; on April 21, 2003, Council received the proposed 2003-04 Annual Update as part of the Recommended Resource Allocation Plan; the draft Annual Update was made available for public review and comment for the 30-day period that began on April 3 and ended on May 2, 2003; opportunities for citizen input were provided at three public hearings which were held on November 14, 2002, March 27, 2003 and May 1, 2003; to ensure that the City's HUD fiscal year begins on July 1, 2003, HUD must receive the Annual Update on May 15, 2003; and funding for fiscal year 2003-04 will be available from the following sources:

<b>New 2003-04 HUD Entitlements</b>	<b>\$ 3,043,716.00</b>
<b>Estimated 2003-04 Program Income</b>	<b>615,051.00</b>
<b>Estimated Prior Year Excess Program Income</b>	<b>355,512.00</b>
<b>Estimated Prior Year Carry-over</b>	<b><u>14,358.00</u></b>
<b>Total HUD Funds</b>	<b>\$ 4,028,637.00</b>

It was explained that it is estimated that the \$4.0 million in HUD funds will leverage as much as an additional \$1.9 million in other public and private funding, thus, total investment in those activities included in the Annual Update will be approximately \$5.9 million.

The City Manager recommended that she be authorized to submit the 2003-04 Consolidated Plan Annual Update to HUD for review and approval.

Mr. Harris offered the following resolution:

(#36326-051203) A RESOLUTION authorizing the City Manager to submit an approved Annual Update to the Consolidated Plan for FY 2003-2004 to the United States Department of Housing and Urban Development (HUD) for final review and approval, and authorizing execution of the appropriate documents for the acceptance of such funding.

(For full text of Resolution, see Resolution Book No. 67, page 279.)

Mr. Harris moved the adoption of Resolution No. 36326-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Carder, Cutler, Dowe and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Bestpitch abstained from voting inasmuch as his spouse is employed by the YMCA of Roanoke Valley.)

**BUDGET-CAPITAL IMPROVEMENTS PROGRAM:** The City Manager submitted a communication advising that the Capital Improvement Program (CIP) for fiscal years 2004-2008 is a plan recommended for approval by Council for capital expenditures to be incurred over the next five years, in order to address priority long-term capital needs of the City of Roanoke; the CIP reflects the current status of projects which have previously been approved and funded by Council, plus seven new recommended projects, and is a revision to the Fiscal Years 2003-2007 Capital Improvement Program approved by Council on May 13, 2002.

It was further advised that on April 21, 2003, Council received the proposed Capital Improvement Program for Fiscal Years 2004-2008 as part of the Recommended Resource Allocation Plan; the Capital Improvement Program for Fiscal Years 2004-2008 is comprised of capital projects, with an estimated cost of project completion totaling \$323,433,304.00; and seven new projects are included which will require additional funding of \$36,576,169.00:



**Municipal North Renovation – FY2005** **\$2,000,000.00**  
Renovation of the 57,000 square foot facility to accommodate new tenants after relocation of the Department of Social Services to the Civic Mall facility on Williamson Road – to be cash funded in fiscal year 2005.

**Public Works Service Center –**  
**Phase II – FY 2005** **\$1,000,000.00**  
Next phase of improvements at this 24 year-old facility to include the reconfiguration of existing interior space within the main building to accommodate administrative office space needs and improve efficiency, and reconfiguration and reassignment of space on the site to accommodate parking and storage needs for vehicles, equipment, and material – to be cash funded in fiscal year 2005.

**Stormwater Management Program –**  
**Phase I – FY 2005** **\$11,000,000.00**  
First phase of work will begin to address over \$50 million in storm drainage projects throughout the City – to be funded from an \$11 million bond issue in fiscal year 2005; a new stormwater management fee will be recommended to provide adequate revenues to repay the debt.

**Church Avenue West Parking Garage –**  
**FY 2006** **\$7,200,000.00**  
Construction of a 500-space facility in the Church Avenue corridor extending from 3rd Street to 7th Street to be funded from a \$7.2 million bond issue in fiscal year 2006; while Century Station Parking Garage bonds will be refunded in fiscal year 2004 to provide \$360,000.00 in annual funding for the project, a general increase in parking rates system-wide will also be needed to repay the debt.

**Roanoke Center for Industry and Technology –**  
**Phase V – FY 2006** **\$1,750,000.00**  
Grading and roadway construction costs to open site “E” for future development – to be cash funded in fiscal year 2006.

**Roanoke River Flood Reduction Project –**  
**FY 2007** **\$4,521,169.00**  
Additional local funding projected to be needed for this \$64 million project based on current Corps of Engineers project cost estimates – to be funded from a \$4.5 million bond issue in fiscal year 2007.

**Riverside Centre for Research and Technology –  
Phase II – FY 2007** **\$9,105,000.00**

Next phase of property acquisition to facilitate continued development of the project in the South Jefferson Redevelopment Area – to be funded from a \$5.4 million bond issue in fiscal year 2007 and proceeds from the sale of property in the project area.

The City Manager recommended that Council approve the following new capital projects recommended in the CIP update, requiring additional funding of \$36,576,169.00:

- |  |                 |
|--|-----------------|
| • Municipal North Renovation                                 | \$ 2,000,000.00 |
| • Public Works Service Center - Phase II                     | \$ 1,000,000.00 |
| • Stormwater Management Program -<br>Phase I                 | \$11,000,000.00 |
| • Church Avenue West Parking Garage                          | \$ 7,200,000.00 |
| • Roanoke Center for Industry and<br>Technology – Phase V    | \$ 1,750,000.00 |
| • Roanoke River Flood Reduction Project                      | \$ 4,521,169.00 |
| • Riverside Center for Research and<br>Technology – Phase II | \$ 9,105,000.00 |

Appropriate \$981,102.00 included in the fiscal year 2003-04 Transfers to Capital Projects, Account No. 001-250-9310-9508, to respective capital project accounts established by the Director of Finance for the following projects:

- \$150,000.00 to Capital Project Account No. 008-052-9549 for Bridge Maintenance
- \$341,280.00 to Capital Project Account No. 008-530-9678 for Fire/EMS Facility Improvements Program
- \$199,274.00 to Capital Project Account No. 008-530-9736 for NPDES Phase II - Stormwater Management
- \$145,548.00 to Capital Project Account No. 008-530-9800 for Traffic Signals
- \$145,000.00 to Capital Project Account No. 008-530-9799 for Traffic Calming Initiatives

Mr. Dowe offered the following resolution:

**(#36327-051203) A RESOLUTION endorsing the update to the Capital Improvement Program submitted by the City Manager by letter of May 12, 2003.**

**(For full text of Resolution, see Resolution Book No. 67, page 280.)**

**Mr. Dowe moved the adoption of Resolution No. 36327-051203. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-CAPITAL IMPROVEMEMENTS PROGRAM: Mr. Harris offered the following ordinance:**

**(#36328-051203) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 282.)**

**Mr. Harris moved the adoption of Ordinance No. 36328-051203. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-PENSIONS: Mr. Harris offered the following ordinance providing for certain supplemental benefits under the City of Roanoke Pension Plan to certain members of such Plan and certain of their surviving spouses, effective July 1, 2003:**

**(#36329-051203) AN ORDINANCE providing for certain supplemental benefits under the City of Roanoke Pension Plan to certain members of such Plan and certain of their surviving spouses; providing for an effective date; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 283.)**

Mr. Harris moved the adoption of Ordinance No. 36329-051203. The motion was seconded by Mr. Dowe.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., requested that more detailed information be provided so that citizens of Roanoke will have all of the facts relating to measures that the Council is considering for enactment.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., requested that more information be provided to the public prior to enactment of measures by Council. She called attention to her previous remarks which were misinterpreted and clarified that she did not intend to imply that only wealthy citizens should serve on City Council. She concurred in the comments of Council Member Dowe that an independent entity should be appointed to address pay increases for the Mayor and Members of City Council inasmuch as Council Members are not employees of the City of Roanoke and their performance in office can only be judged and evaluated by the citizens of Roanoke at election time.

Ordinance No. 36329-051203 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Carder, Cutler, Dowe and Mayor Smith-----7.

NAYS: None-----0.

COUNCIL: A communication from Vice-Mayor C. Nelson Harris, Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the performance of a Council-Appointed Officer, pursuant to Section 2.2-3711 (A), (1), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council convene in closed session as above stated. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Carder was absent.)

At 10:30 a.m., the Mayor declared the meeting in recess for one closed session.

At 11:47 a.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, except Council Members Bestpitch, Carder and Dowe.

COMMITTEES-CITY COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Cutler, and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Bestpitch, Carder and Dowe were absent.)

There being no further business, the Mayor declared the special meeting adjourned at 11:50 a.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

-----

Ralph K. Smith  
Mayor

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**May 19, 2003**

**2:00 p.m.**

The Council of the City of Roanoke met in regular session on Monday, May 19, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

**PRESENT:** Council Members Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris and Mayor Ralph K. Smith-----6.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Catherine A. Houchins, Pastor, Metropolitan Community Church of the Blue Ridge.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**OATHS OF OFFICE-CITY COUNCIL:** Mr. Harris offered the following resolution appointing Beverly T. Fitzpatrick, Jr., to fill the unexpired term of William H. Carder, Council Member, ending June 30, 2004:

(#36330-051903) A RESOLUTION appointing Beverly T. Fitzpatrick, Jr., to fill the unexpired term of William H. Carder.

(For full text of Resolution, see Resolution Book No. 67, page 286.)

Mr. Harris moved the adoption of Resolution No. 36330-051903. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Cutler, Dowe, Harris and Mayor Smith-----6.

**NAYS:** None-----0.

The Honorable Charles N. Dorsey, Judge, Twenty-Third Judicial Circuit of Virginia, administered the Oath of Office to Council Member-Elect Fitzpatrick, following which he officially took his seat on the Roanoke City Council.

**PROCLAMATIONS-EMERGENCY MEDICAL SERVICES:** The Mayor presented a proclamation declaring May 18 - 24, 2003, as Emergency Medical Services Week.

**PROCLAMATIONS:** The Mayor presented a proclamation declaring Sunday, June 1, 2003, as Helen Keller Day.

**ACTS OF ACKNOWLEDGMENT:** The Mayor read a communication from Chief Petty Officer John Fendor, Jr., who is currently serving in the Persian Gulf, commending the City of Roanoke on its displays of patriotism.

#### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for closed session.

**COMMITTEES-CITY COUNCIL:** A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.**

**NAYS: None-----0.**

**CITY COUNCIL: A communication from Vice-Mayor C. Nelson Harris, Chair, Roanoke City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss performance evaluations of four Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.**

**Mr. Cutler moved that Council concur in the request of the Vice-Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.**

**NAYS: None-----0.**

**COMMITTEES-AUDIT COMMITTEE: Minutes of the meeting of the Roanoke City Audit Committee (Planning Session) held on Monday, April 21, 2003, were before the body.**

**Topics of discussion: Why Audit and Types of Audits, The Ten Year History of Reported Audits and Anticipated Demands on Audit Staff Resources.**

**Mr. Cutler moved that the minutes be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.**

**NAYS: None-----0.**

**COMMITTEES-COMMUNITY PLANNING: A communication from the City Clerk advising of the resignation of S. Wayne Campbell as a member of the City Planning Commission, effective immediately, was before Council.**

**Mr. Cutler moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:**



**AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.**

**NAYS: None-----0.**

**REGULAR AGENDA**

**PUBLIC HEARINGS: NONE.**

**PETITIONS AND COMMUNICATIONS: NONE.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**ITEMS RECOMMENDED FOR ACTION:**

**TAXES: The City Manager submitted a communication advising that on December 2, 2002, Council approved a new policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City of Roanoke, pursuant to Resolution No. 36148-120202, adopting the Process for Determination of Property Tax Exemption dated December 2, 2002, effective January 1, 2003; and at that time, Council Member Carder inquired as to whether the policy could be amended to require organizations that petition the City to have their real property declared tax exempt to pay, voluntarily, a sum equal to the service district tax currently imposed in two areas in the City (Downtown and Williamson Road).**

**It was further advised that the City Attorney has reviewed the issue and offered a written opinion to Council dated December 9, 2002; special taxes levied in these two districts are levied to provide for additional governmental services not being offered uniformly throughout the entire City; while localities may not impose a service district tax on property within a district that is not otherwise subject to local taxation, City Council may require, as a condition to granting tax exempt status to an organization in the future, that the organization pay voluntarily to the City a sum equal to what it would otherwise be obligated to pay as a service district tax, just as Council now does with regard to service charges; and the policy document has been amended to include this new provision.**

It was stated that in addition, House Bill 1750 was passed during the 2003 Session of the General Assembly to implement the constitutional amendment permitting localities to grant real estate tax exemptions on and after January 1, 2003, and was signed by the Governor on May 2, 2003, which recommends specific procedures that require additional changes to the City of Roanoke's procedure.

The City Manager recommended that Council approve amendments to City policy regarding the determination of tax-exempt property, including changes required by HB 1750 and including language requiring, as a condition to granting tax exempt status to an organization in the future, that the organization pay, voluntarily, to the City a sum equal to what it would otherwise be obligated to pay as a service district tax.

Mr. Dowe offered the following resolution:

(#36331-051903) A RESOLUTION adopting a new policy and procedure with respect to processing requests from non-profit organizations to have their property exempted from taxation pursuant to Article X, §6(a)(6), of the Constitution of Virginia; and repealing Resolution No. 36148-120202, adopted December 2, 2002.

(For full text of Resolution, see Resolution Book No. 67, page 286.)

Mr. Dowe moved the adoption of Resolution No. 36331-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

**PURCHASE/SALE OF PROPERTY-BUDGET-CITY PROPERTY-FLOOD REDUCTION/CONTROL:** The City Manager submitted a communication advising that the City of Roanoke has been awarded a grant from the Federal Emergency Management Agency (FEMA) and the Commonwealth of Virginia Department of Emergency Management (VDEM) through its Hazard Mitigation Grant Program (HMGP), for the purpose of removing a building located at 1428 10<sup>th</sup> Street, N. W., which is subject to repetitive flooding; and of the existing 987 Elevation Certificates City-wide, this property is at the top of the list for flood vulnerability.

It was further advised that during the 1985 flood of record, the depth of water reached 10.7' above the bottom floor elevation; the property was appraised by Miller, Long & Associates, Inc., in November 2002, and market value was determined to be \$100,000.00; the program is entirely voluntary and the property owner was notified of the appraisal and at the property owner's request, the City pursued the grant; current tenants will be relocated following requirements of the grant and after relocation is completed, the building will be demolished.

It was explained that total project cost estimate is \$161,400.00 which includes purchase of the property, relocation and demolition; the grant award will cover \$153,330.00 of the proposed cost, with the remaining funds totalling \$8,070.00 available in the Capital Projects Fund Lick Run Greenway account; and authorization is needed to move forward with procurement of title work, document preparation related to acquisition of the necessary property rights and eventual demolition of the structure.

The City Manager recommended that she be authorized to execute the necessary documents, in a form approved by the City Attorney, to purchase real property owned by Mr. Ali Ababseh, 1428 10<sup>th</sup> Street, N.W., Official Tax Nos. 2130614 and 2130615; authorize demolition of the structure and close the 10<sup>th</sup> Street Hazard Mitigation Grant Program grant, in accordance with requirements of the Federal Emergency Management Agency; create an account entitled, Hazard Mitigation Grant – 1428 10<sup>th</sup> Street, and establish revenue estimates in the amount of \$121,050.00 from FEMA and \$32,280.00 from VDEM in the Grant Fund; and transfer \$8,070.00 from the Capital Projects Fund Lick Run Greenway, Account No. 008-530-9754, to Grant Fund Hazard Mitigation Grant – 1428 10<sup>th</sup> Street account.

Mr. Dowe offered the following budget ordinance:

(#36332-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects and Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 288.)

Mr. Dowe moved the adoption of Ordinance No. 36332-051903. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following ordinance:

(#36333-051903) AN ORDINANCE authorizing the acquisition and demolition of certain property located at 1428 10<sup>th</sup> Street, which is subjective to repetitive flooding, under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program and the Commonwealth of Virginia Department of Emergency Management's (VDEM) Hazard Mitigation Grant Program, upon certain terms and conditions; authorizing the closing of the 10<sup>th</sup> Street Hazard Mitigation Grant Program; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 289.)

Mr. Dowe moved the adoption of Ordinance No. 36333-051903. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Council Member Cutler inquired if buildings along Ore Branch between Cycle Systems, Wonju Street and the Roanoke River would be eligible for acquisition and demolition under FEMA's Hazard Mitigation Grant Program; whereupon, the City Manager advised that staff will contact the appropriate officials to determine if funds are available.

BUDGET-ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that the existing Exhibit Hall directly under the plaza area at the Roanoke Civic Center has had problems with leaks for several years; waterproofing the plaza by installing a new membrane roof will correct the problem and allow the space to be converted into meeting rooms; and funding in the amount of \$400,000.00 is needed for the project, and is available in the General Fund Transfers to Capital Projects Fund, Account No. 001-250-9310-9508, and may be transferred to Civic Center Fund Expansion/Renovation Phase II, Account No. 005-550-8616-9003.

The City Manager recommended that Council transfer \$400,000.00 as above described.

Mr. Dowe offered the following budget ordinance:

**(#36334-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Civic Center Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 291.)**

**Mr. Dowe moved the adoption of Ordinance No. 36334-051903. The motion was seconded by Ms. Wyatt and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.**

**NAYS: None-----0.**

**Council Member Cutler advised that the Roanoke Arts Commission has asked to provide design direction in regard to public art to be displayed on the Civic Center Plaza, and it is hoped that plans for water proofing the roof and the art program will be coordinated.**

**ACTS OF ACKNOWLEDGMENT-NORFOLK SOUTHERN CORPORATION-RAILSIDE LINEAR WALK: The City Manager submitted a communication advising that construction of the Railside Linear Walk project has been a multi-year project linking the downtown market with the Transportation Museum, and honoring Roanoke's railroad history; in light of Roanoke's rich railroad heritage and O. Winston Link's significant contribution to Roanoke's culture and art, it is proposed that the rail walk be named the "O. Winston Link Railwalk" in his honor; and currently, restoration of the historic N & W passenger station is underway, which will house the "O. Winston Link Museum", with a projected completion date of August, 2003.**

**The City Manager recommended that Council adopt a resolution changing the name of the Railside Linear Walk to the O. Winston Link Railwalk.**

**Mr. Dowe offered the following resolution:**

**"A RESOLUTION renaming the Railside Linear Walk as the O. Winston Link Railwalk."**

**Mr. Dowe moved adoption of the resolution. The motion was seconded by Mr. Bestpitch.**

**D. Kent Chrisman, Executive Director, History Museum and Historical Society, expressed appreciation for the City of Roanoke's continued support of the railwalk project since its inception, and advised that fund raising efforts are ongoing, despite difficult economic times. He stated that it is appropriate to change the name of the Railside Linear Walk to the O. Winston Link Railwalk inasmuch as Mr. Link selected Roanoke as the site for his museum due to his obvious love and respect of the Roanoke community and its rail heritage. He added that the final exhibit design was recently completed by working in conjunction with a Richmond based firm, and some of the prints are currently on tour, having recently been displayed in the State of Illinois, the mission of which is to bring the Roanoke Valley and western Virginia to the rest of the world by taking the images on tour. He advised that the renaming has the support of the Executive Committee of the Virginia Museum of Transportation and the History Museum will continue to work with the Transportation Museum, The Hotel Roanoke and other rail related heritage sites and facilities along the railroad tracks.**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., stated that the question of renaming the rail walk has not been reviewed by the City Planning Commission which is required of other organizations submitting similar requests. She advised that the proper City procedure has not been followed and encouraged the City to follow its own example with regard to naming public facilities.**

**Ms. Wyatt advised that in the past, such requests have been submitted to the Council with a recommendation by the City Planning Commission, which has also allowed for community input and ownership, and when the process is superceded, a portion of the community is alienated. She stated that her first knowledge of the recommendation was when she read the May 19, 2003 Council agenda. Therefore, Ms. Wyatt offered a substitute motion that the matter be referred to the City Planning Commission for study, report and recommendation to Council. The motion was seconded by Mr. Dowe.**

**Upon question, the City Attorney advised that he could find no written policy or procedure on the naming of buildings; however, traditionally, it has been the policy of Council to receive the recommendation of the City Planning Commission prior to the naming of buildings.**

**As background, the City Manager advised that approximately 18 months ago, it was decided that it would not be appropriate to rename the railside linear walk until the project was completed; and the project has now been completed, and plans are underway for a ribbon cutting ceremony in early June. She explained that when**

the request came up in context with the ribbon cutting and a discussion regarding the anniversary celebration of the railroad, she consulted with the Director of Planning and determined that there is no written City policy for the naming of buildings; administratively, it has been the practice to forward requests for street names to the City Planning Commission for a recommendation; and with the understanding that it was Council's intent to rename the railside linear walk at the appropriate time, the recommendation was placed on the Council's agenda.

Council Member Bestpitch inquired if there is concurrence by the O. Winston Link Estate; whereupon, the City Manager referred to a May 14, 2003 communication from Mr. Chrisman in which it is indicated that John P. Bradshaw, President of the History Museum and Historical Society, reviewed the proposal with the Trustee of the O. Winston Link Estate, who has endorsed the request.

Mr. Bestpitch advised that although the matter has not been included on the formal Council agenda, it has received considerable discussion over the past 24 months, and there is no reason for it to become a controversial issue. Therefore, he spoke in support of approving the City Manager's recommendation.

Council Member Cutler inquired as to whether the railwalk could be regarded as a greenway, and the possibility of including additional artifacts, as well as interpretive activities along the railwalk and the bridge; whereupon, it was noted that the History Museum has volunteered to assist in securing some of the activities. The City Manager called attention to the need to decide which activities should be interpreted and in which ways; and the primary purpose of the railwalk may be to interpret Roanoke's rail history, as opposed to serving as another connection to the greenway since good greenway connections are already planned.

Council Member Fitzpatrick suggested that there be recognition of local persons as a part of the naming of the railwalk, in addition to the O. Winston Link connotation; i.e.: the President or Chair of Norfolk and Western Railway.

Council Member Dowe concurred in the remarks of Ms. Wyatt that the matter should be referred to the City Planning Commission for a recommendation to Council.

The substitute motion to refer the matter to the City Planning Commission for study, report and recommendation to Council was unanimously adopted.

**BUDGET-REGIONAL COMPETITIVENESS ACT:** The City Manager submitted a communication advising that in March, 2001, the City of Roanoke was awarded \$45,000.00 in Regional Competitiveness Funds, a State program administered locally by the Fifth Planning District Regional Alliance; of this amount, \$25,000.00 was provided to the City to help fund the air service enhancement activities being undertaken by Kaufman and Canoles Consulting, LLC; recently, the City requested that \$12,530.00 of the original \$45,000.00 grant be released to the Roanoke Regional Airport Alliance to assist with the Campaign for Fair Airfares; at the same time, the Fifth Planning District Regional Alliance was asked to make available to the City the balance of \$7,470.00 remaining from the original \$45,000.00; and the \$7,470.00 would become part of the funding needed to extend the City's agreement with KCC.

It was further advised that extension of the agreement with KCC represents a sole source procurement action on the part of the City; i.e.: the City is not soliciting competing proposals to continue the consulting services that KCC has been providing; such action is deemed appropriate and consistent with rules of the Virginia Procurement Act due to extensive involvement and experience of KCC to date in assisting with establishment of the Roanoke Regional Airport Alliance and representing the City to the business community and potential air carriers; selecting another consultant at this stage would be disruptive due to the steep learning curve involved and would, thus, adversely affect the City's ability to achieve its ultimate project goal of attracting the services of a low-fare air carrier; therefore, a change of consultant at this stage would be contrary to the public interest.

It was explained that expenses under the original agreement with KCC were less than anticipated; therefore, only \$23,856.00 in additional funds will be needed for a six-month extension; Roanoke County has agreed to share equally with the City in the costs of the KCC extension not covered by the \$7,470.00 in Regional Competitiveness Funds; thus, City and County shares will each be \$8,193.00; Roanoke County will provide its funds on a reimbursable basis, and City and County funds together will satisfy the dollar-for-dollar match required by Regional Competitiveness Funds.

It was stated that because of the importance of the services provided by KCC, extension will be written for a six-month period, with options to renew for an additional six months thereafter; and since the increase in funds is less than \$25,000.00, §2-124(b) the City Code provides direct authority to the City Manager to execute the amendment.



**The City Manager recommended that Council authorize the following actions:**

- 1. Accept the additional \$7,470.00 in Regional Competitiveness Funds and the commitment of \$8,193.00 from Roanoke County. Increase the corresponding revenue estimates and appropriate funds to the Regional Competitiveness Program, Account No. 035-410-9750-2010, in the Grant Fund; and**
- 2. Transfer \$8,193.00 from the General Fund Contingency, Account No. 001-300-9410-2199, to the same Grant Fund account.**

**Mr. Dowe offered the following budget ordinance:**

**(#36335-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 292.)**

**Mr. Dowe moved the adoption of Ordinance No. 36335-051903. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.**

**NAYS: None-----0.**

**Mr. Dowe offered the following resolution:**

**(#36336-051903) A RESOLUTION authorizing a six-month extension of an Agreement that became effective April 1, 2002, with Kaufman and Canoles Consulting, LLC ("KCC"), for air service enhancement activities, accepting funds from the Fifth Planning District Regional Alliance and a commitment for funds from Roanoke County, and concurring with the determination of the Director of General Services that KCC is the only source practicably available to perform such air service enhancement activities.**

**(For full text of Resolution, see Resolution Book No. 67, page 294.)**

Mr. Dowe moved the adoption of Resolution No. 36336-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

CONVENTION AND VISITORS BUREAU-TOURISM: The City Manager submitted a communication advising that the City of Roanoke has annually entered into an Agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site; as a part of the annual budget adopted by Council on May 12, 2003, the Memberships and Affiliations budget includes funding of \$541,440.00 specifically designated for the RVCVB; an additional \$306,000.00 is designated in the annual budget for marketing efforts and will go to the RVCVB, subject to an adjustment provision; and the additional \$306,000.00 will be adjusted by the Director of Finance, up or down, at the end of the fiscal year based on an amount equal to the actual revenues collected from the previously enacted one per cent increase in the transient occupancy tax.

It was further advised that the City has negotiated a one year agreement, commencing July 1, 2003, with the RVCVB detailing use of the funds; the agreement provides for the same number of City of Roanoke representatives on the RVCVB Board of Directors as last year, but changes the method of selection to that set forth in paragraph 8 of the Agreement, in accordance with the City Manager's recommendation; the Agreement also contains a mutual indemnity clause, which requires approval by Council; and the RVCVB submitted a detailed report listing its accomplishments through April 2003, and an annual budget and work plan for 2003-2004 will be submitted to the City Manager for review and approval, upon approval of the RVCVB Board of Directors.

The City Manager recommended that she be authorized to execute an Agreement, in the amount of \$847,440.00, with the Roanoke Valley Convention and Visitors Bureau, in a form approved by the City Attorney, for the express purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism; and that the Director of Finance be authorized to make the \$306,000.00 adjustment as above described.

Mr. Dowe offered the following resolution:

(#36337-051903) A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 67, page 295.)

Mr. Dowe moved the adoption of Resolution No. 36337-051903. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Council Member Bestpitch referred to paragraph 8 of the proposed agreement and suggested that the word "member" instead of "member(s)" be inserted. He also suggested that any language that is gender specific be removed from the agreement.

**BUDGET-COMMUNICATIONS DEPARTMENT-LIBRARIES-INTERNET:** The City Manager submitted a communication advising that the City of Roanoke, City of Salem, Roanoke County and Botetourt County currently share an automated library system, pursuant to a 1988 agreement which gives the responsibility for operating, maintaining and administering the library system to the City of Roanoke; and the consortium operates under the name of Roanoke Valley Libraries (RVL).

It was further advised that due to limitations of its 11-year old system, RVL upgraded the system to a more comprehensive library system in September 2002; the new system has added many new capabilities for the libraries, as well as a comprehensive online Internet catalogue for citizens of the Roanoke Valley; RVL proposes to purchase hardware and software to set up a second library server for testing new releases of the software and to act as a backup to the primary library server; Library Directors and the RVL Implementation Committee have approved the purchase of a test system at a total cost of \$48,947.00; and costs will be divided among the localities based on the following percentages:

City of Roanoke	30.1%	\$14,733.00
City of Salem	10.4%	\$5,090.00

County of Roanoke	46.0%	\$22,516.00
County of Botetourt	13.5%	\$6,608.00

It was explained that funding for the City of Roanoke's share is available in Enterprise Project Management System, Account No. 013-430-9858, as approved by the Information Technology Committee (ITC).

The City Manager recommended that Council approve transfer of \$14,733.00 from Enterprise Project Management System, Account No. 013-430-9858, to an account to be established by the Director of Finance in the Technology Fund; and increase the Roanoke Regional Area Library revenue estimate, Account No. 013-430-9887-1069, by \$34,214.00 and appropriate said funds to the same Technology Fund account.

Mr. Dowe offered the following budget ordinance:

(#36338-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Department of Technology Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 296.)

Mr. Dowe moved the adoption of Ordinance No. 36338-051903. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Council Member Bestpitch referred to the consortium that operates under the name of Roanoke Valley Libraries, yet separate library departments are maintained by member jurisdictions. He stated that considerable ground work has already been done, therefore, the library issue could become the next regionalized operation within the Roanoke Valley. He further stated that there are library functions that could be combined to achieve greater efficiencies in local government, and suggested that the City again express its interest in developing a regional library department.

**CITY EMPLOYEES-LEASES:** The City Manager submitted a communication advising that the City currently leases 2,525 square feet of office space at 120 Kirk Avenue, S. W., to house the Occupational Health Clinic; the Clinic also uses an additional 1,400 square feet in an adjoining office suite at 114B Kirk Avenue as a training facility; rental rate for the two spaces is \$1,850.00 per month; and the current agreement between the City and Kirk Avenue Properties, LLC, will expire on May 31, 2003.

It was further advised that while the Clinic is expected to relocate to City owned facilities in the next two years, the space currently being leased is still needed, and City staff has negotiated terms for a new agreement to lease 114B and 120 Kirk Avenue S. W., for one year, from June 1, 2003 through May 31, 2004, with two one-year renewal options at the Lessee's discretion, at a rental rate of \$2,000.00 per month; if renewal options are exercised, rent will be \$2,150.00 per month for the second year and \$2,300.00 per month for the third year; the City will continue to provide its own janitorial service and minor routine maintenance; and funds are available in the fiscal year 2003-04 Occupational Health Clinic Operating Account No. 001-340-1263-3075, and will be included as part of the budgeting process in subsequent years.

The City Manager recommended that she be authorized to execute a new lease agreement with Kirk Avenue Properties, LLC, as summarized above and in a form to be approved by the City Attorney.

Mr. Dowe offered the following ordinance:

(#36339-051903) AN ORDINANCE authorizing the City Manager to enter into a lease agreement with Kirk Avenue Properties, LLC, or its successor, for office space at 114B Kirk Avenue for a training facility and 120 West Kirk Avenue for the Occupational Health Clinic, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 298.)

Mr. Dowe moved the adoption of Ordinance No. 36339-051903. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

**NAYS:** None-----0.

**BUDGET-HOSPITALS-GRANTS-LIBRARIES-INTERNET:** The City Manager submitted a communication advising that the City of Roanoke Public Library System has received notification of a \$49,116.00 grant from the National Network of Libraries of Medicine/Southeastern Atlantic Region, which will provide funding to train consumers on how to access quality health information on the Internet; the primary goal of the service is to improve public health by (a) empowering individuals, especially those with low incomes, minority, youth and the elderly, to develop an understanding of the practices and benefits of preventative and early intervention health care; (b) improving the likelihood of successful treatment outcomes by allowing users of the Library system to better understand treatment protocols; and (c) preparing consumers and patients, both insured and uninsured, to interact more confidently and effectively with their health care providers by helping them to develop well-informed questions and to conduct research that will help them better understand their own health issues; and in a recent study conducted by Carilion Health System, local health care providers and health professionals concluded that equipping citizens with better consumer health oriented information is a critical need of the community.

It was further advised that grant funds will be used to hire temporary staff in the Main Library's Reference and Automation Departments; in addition, funds will be used for purchase of equipment, reproduction and printing costs, professional services/consultations, advertising, interlibrary loan services, and publications and subscriptions on health issues; major elements of the service include: (a) formation of a work group of community based and social service agencies to advise the library on development and implementation of service, (b) training of Library staff and key community volunteers on consumer health information by the Library's two medical health librarians, and (c) selection and purchase of publications, databases and web-based resources; and coordination of the above referenced elements is underway by the Library's Head of Reference Services.

The City Manager recommended that Council accept the National Network of Libraries of Medicine/Southeastern Atlantic Region grant, in the amount of \$49,116.00, and authorize the City Manager to execute an agreement with the National Network of Libraries of Medicine/Southeastern Atlantic Region, and any other forms necessary to accept the grant, to be approved as to form by the City Attorney; and appropriate \$49,116.00 and establish a corresponding revenue estimate in grant funding in accounts to be established in the Grant Fund by the Director of Finance.

**Mr. Dowe offered the following budget ordinance:**

**(#36340-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 299.)**

**Mr. Dowe moved the adoption of Ordinance No. 36340-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.**

**NAYS: None-----0.**

**Mr. Dowe offered the following resolution:**

**(#36341-051903) A RESOLUTION authorizing acceptance of a grant award from the National Network of Libraries of Medicine/Southeastern Atlantic Region, to provide funding for the purpose of training consumers on how to access quality health information on the Internet, to improve the public health by providing citizens with better consumer health oriented information, and authorizing execution of any and all necessary documents for acceptance of the grant.**

**(For full text of Resolution, see Resolution Book No. 67, page 300.)**

**Mr. Dowe moved the adoption of Resolution No. 36341-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that consolidation of the majority of human service agencies into one location resulted in the City leasing office space within the Civic Mall building located at 1502 Williamson Road, N. W.; design and construction work for the Civic Mall as required under the lease agreement previously approved by**

Council is underway; additional funding in the amount of \$606,000.00 is required to cover costs associated with purchase of systems furniture for approximately 235 employees, casework, and design fees; bids for furnishings and casework have been received and contracts need to be awarded before bids expire on May 21, 2003; and funding is available in the following accounts:

CMERP Reserve	
(Account No. 001-300-9410-2197)	\$572,814.00
 FY02 CMERP Balance	
(Account No. 001-3323)	<u>33,186.00</u>
	 \$606,000.00

The City Manager recommended that Council transfer funds totaling \$606,000.00 to a new account to be established by the Director of Finance in the Capital Projects Fund, entitled Civic Mall Relocation.

Mr. Dowe offered the following budget ordinance:

(#36342-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 301.)

Mr. Dowe moved the adoption of Ordinance No. 36342-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-SEWERS AND STORM DRAINS-WATER RESOURCES: The City Manager submitted a communication advising that current City Code sections require any new building abutting an existing public sanitary sewer to connect to the sewer; however, if a public sewer is not abutting a new building, current City Code provisions allow installation of a septic tank; as a policy, the Utility Department has required the extension of public gravity-sewer mains to serve all buildings, if



feasible; ordinances addressing sewer connections and extensions have not been modified since 1956, and should be changed to require mandatory connections for new buildings; and with the change, the following issues would need to be addressed.

In some cases, due to length, depth, development, subsurface conditions, or cost, it may not be feasible to extend public gravity-sewer mains to serve new buildings; if it is not feasible to extend a public gravity-sewer main adjacent to a new building, the City Manager could allow construction of a public pressure-sewer main within a right-of-way or public easement; in these cases, the property owner would be required to install a private sewer pump station, and a private pressure-sewer line to connect with the public sewer; if it is not feasible to construct a public pressure-sewer main, for the same reasons above stated for public gravity-sewer extensions, the City Manager should have the discretion to not allow construction of a public pressure-sewer main; and in these limited cases, the City Manager could allow the construction of on-site septic tank systems.

To accomplish the above changes, amendments are recommended to the following City Code sections:

**Sec. 26-2. Use of House or Building Without Approved Method of Disposal of Sewage Prohibited.**

It shall be unlawful for the owner of any house or building used as a place of human habitation, any warehouse, any public building or other place where human beings congregate, or are employed in the City, to use or occupy, or to rent or lease the same for the use or occupancy by any person, or for any person to use or occupy the same unless and until the house or building shall have been supplied or equipped with an approved method of disposal of human excreta and that such method of disposal will comply with the provisions of this chapter and the regulations of the state department of health.

**Sec. 26-3. Mandatory Sewer Connections.**

The owner or person constructing a house or building as described in Sec. 26-2, on property abutting in any manner upon a street, alley, public right-of-way or public easement through which runs a public sanitary sewer, shall be required to connect such house or building with such sewer in accordance with the provisions of this chapter. Any person who shall fail to make such connection, after sixty (60) days notice from the city manager, shall be guilty of a violation of this section. If a public sanitary sewer line is not abutting such property, an off-site extension of the existing public sanitary sewer system shall be made in accordance with the provisions of this chapter. Off-site sewer system requirements are described further in Sec. 26-8.

**Sec. 26-8. Extension of Sanitary Sewers within City.**

(a) Upon proper application for the off-site extension of a public sanitary sewer within the City, the City shall bear one-half of the construction cost of such extension and the applicant shall pay the other one-half of the construction cost thereof and any additional cost, less any credits, as provided in this section. If the City participates in the construction cost of the off-site extension, payment by the City shall be due upon completion by the applicant, and acceptance of such extension by the City. An off-site sanitary sewer is defined as any sewer system located or to be located outside such house or building's property. The off-site sewer system shall be a public sanitary sewer line located in a street, alley, public right-of-way or public easement.

(b) The applicant shall design and install an off-site public gravity-sewer main to serve its property. All design for public sewer mains shall be performed by a professional engineer, licensed in the Commonwealth of Virginia, and must be approved by the City. If an extension of an off-site public gravity-sewer main to the

property is determined not to be feasible by the city manager due to its length, depth, development, subsurface conditions or cost, the applicant shall design and install a public pressure-sewer main within the public right-of-way or public easement.

(c) If a house or building is constructed at an elevation that does not permit gravity flow into the public sewer system, a private pumping facility shall be constructed for such house or building. The pumping facility shall be located on private property, with a private pressure-sewer service line connecting such facility with the public sewer main.

(d) If an extension of the off-site public pressure-sewer main is not determined feasible by the city manager due to its length, depth, development, subsurface conditions or cost, the applicant may install a septic tank constructed in accordance with the rules and regulations of the state department of health.

(e) Credits will be allowed towards the increased costs for any off-site extensions if the City requires a line size in excess of the minimum size required to serve the applicant. Credits will be equal to 100% of the difference in cost for furnishing and installing the minimum line size and furnishing and installing the line size otherwise required by the City to serve the applicant.

(f) The payment by any person of any costs or charges as set forth in this section shall not relieve such person from the payment of all sanitary sewer connection costs, including the connection fees prescribed by the Council pursuant to Section 26-4.1 of this Code.

(g) Notwithstanding any other provision of this Code, whenever the abutting owner is able to establish financial inability to pay legally imposed charges incident to such extension, the city manager may provide for the necessary work and labor to accomplish such connection and

authorize the payment of such charges in monthly installments for a period not to exceed five (5) years from the date such charges initially accrue, with interest at the legal rate. Such deferred payments shall be evidenced by a note and secured by a deed of trust on the property served by the extension to be recorded, without expense to the City, in the Clerk's Office of the Circuit Court of the City.

The City Manager recommended that Council adopt a proposed ordinance.

Mr. Dowe offered the following ordinance:

(#36343-051903) AN ORDINANCE amending and reordaining Section 26-2, General requirements for disposal of human excreta and maintenance of toilet rooms, Section 26-3, Mandatory sewer connections, and Section 26-8, Extension of sanitary sewers within city, of Article I, In General, of Chapter 26, Sewers and Sewage Disposal, requiring connection to the public sanitary sewer, with certain exceptions, and for the extension of public sewer mains to serve all buildings; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 303.)

Mr. Dowe moved the adoption of Ordinance No. 36343-051903. The motion was seconded by Mr. Cutler.

Question was raised as to how sewer connections and extensions will be addressed in context with the proposed regional water authority; whereupon, the City Manager advised that the policy, as adopted by the City of Roanoke, would become a part of the regional water authority from an enforcement standpoint.

For clarification purposes, Mr. Bestpitch moved that the ordinance be amended as follows:

Delete:

§26.2 - Use of House or Building Without Approved Method of Disposal of Sewage Prohibited.

It shall be unlawful for the owner of any house or building used as a place of human habitation, any warehouse, any public building or other place where human beings congregate or are employed in the city to

use or occupy, or to rent or lease the same for the use of occupancy by any person, or for any person to use or occupy the same unless and until the house or building shall have been supplied or equipped with an approved method of disposal of human excreta and that such method of disposal will comply with the provisions of this chapter and the regulations of the state department of health.

**Insert:**

**§26.2 - Use of House or Building Without Approved Method of Disposal of Sewage Prohibited.**

It shall be unlawful for the owner of any house or building used as a place of human habitation, any warehouse, any public building or other place where human beings congregate or are employed in the city to use or occupy, or to rent or lease the same for the use or occupancy by any person, or for any person to use or occupy the same unless and until the house or building shall have been supplied or equipped with an approved method of disposal of human excreta. Such method of disposal shall comply with the provisions of this chapter and the regulations of the state department of health.

The motion was seconded by Mr. Cutler and unanimously adopted.

Mr. Bestpitch suggested preparation of an amendment to the ordinance for consideration by Council at a later date requiring notification of future property owners as to the existence of a private pumping facility.

The Mayor expressed concern with regard to costs to future developers of City property, and stated that it is conceivable that the proposed policy could interfere with future economic development.

The City Manager clarified that the proposed policy is intended to minimize and to limit the number of properties that would be developed with a private septic system, but the policy in no way eliminates septic systems. She stated that Roanoke, as a community that is highly developed and has little remaining land for development, must find as many ways as possible to make existing land developable; and the proposed policy also requires that the City of Roanoke participate in 50 per cent of the cost of sewer construction, which should be an

incentive to a prospective developer. She advised that if certain costs are determined to be extraordinary for both parties, options will be reviewed, and it is intended to address the policy in such a way that the ability of land to be developed in the City of Roanoke is not limited. She explained that the proposed policy was drafted with the intent that there will be an opportunity to make exceptions.

Ordinance No. 36343-051903, as amended, was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-EMERGENCY SERVICES-GRANTS:** The City Manager submitted a communication advising that the Virginia Department of Emergency Management has awarded the Roanoke Valley Citizen Corps Council two Federal grants administered by the Commonwealth of Virginia, in the amount of \$5,000.00 for the Citizen Corps Council and \$35,000.00 for the Community Emergency Response Team (CERT); the Roanoke Valley Citizen Corps Council consists of representatives from each of the four local governments – Roanoke, Salem, Vinton and Roanoke County; also included among its members are representatives from the American Red Cross, United Way, Virginia Department of Health, and other agencies/organizations; and funds for the grants will be administered by the City of Roanoke’s Finance Department.

It was further advised that the purpose of the Citizen Corps Council is to organize and coordinate involvement of the community in emergency preparedness planning, mitigation, response, and recovery for all types of emergencies and disasters, including acts of terrorism; the Council will guide and support Community Emergency Response Team (CERT) training which promotes formulation of neighborhood teams trained in the basic skills to respond to emergencies within its immediate area until professional help arrives; CERT graduates are further encouraged to volunteer for other organizations within the community; awards were based on the strength of applications, risks, population and a demonstrated commitment to program implementation; and funds have been received by the City of Roanoke and will be used for the four jurisdictions to train citizens in emergency response procedures and to encourage volunteerism.

It was explained that funding, which requires no local match, must be used in accordance with Federal requirements for Citizen Corps Grants; the Citizen Corps Council will be responsible for using program funds according to grant guidelines and approved budgets; and the City of Roanoke will oversee financial reports which will be submitted quarterly.

The City Manager recommended that she be authorized to execute and attest, respectively, on behalf of the City of Roanoke, any documentation required in connection with obtaining and accepting the two grants and to furnish such additional information and to take such additional action as may be needed to implement and administer grant funds and grant agreements; that Council appropriate funding, in the amount of \$5,000.00 for the Citizen Corps Council and \$35,000.00 for the Community Emergency Response Team (CERT), in accounts to be established by the Director of Finance in the Grant Fund; and establish corresponding revenue estimates in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36344-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 310.)

Mr. Dowe moved the adoption of Ordinance No. 36344-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36345-051903) A RESOLUTION authorizing the City Manager to accept two Federal grants administered by the Commonwealth of Virginia Department of Emergency Management that have been awarded to the Roanoke Valley Citizen Corps Council, in the respective amounts of \$5,000.00 for the Citizens Corps Council and \$35,000.00 for the Community Emergency Response Team; authorizing

execution of any required documents on behalf of the City for acceptance of such grants; and authorizing the City Manager to furnish such additional information and take such additional action as may be needed to implement and administer such grants.

(For full text of Resolution, see Resolution Book No. 67, page 311.)

Mr. Dowe moved the adoption of Resolution No. 36345-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

**BRIEFINGS:**

**COMMITTEES-YOUTH:** The City Manager introduced a briefing on activities of Roanoke's Youth Initiative.

Marion Vaughn-Howard, Youth Planner, advised that the Youth Forum met on November 22, 2002, and 133 students from local high schools participated; 22 active members of the Youth Commission meet on a regular basis; a Youth Retreat was held in March 2003 and participants engaged in discussion regarding how to overcome differences, identification of key priority issues and leadership.

She explained that initiatives completed, planned or underway include a Resource Guide and Youth Directory, youth employment through the Weed and Snow Removal Program and internships, Nutrition Program, Mobile Recreation Programs, Night Moves Program, Youth Fitness Program, "Laws of Life" program, Youth Academy, and Youth Student Grant Program. She stated that programs are described as follows: the Resource Guide and Directory includes a listing of services and resources available, provides a community resource data base for Youth Services stakeholders, and provides website accessibility through Internet and CD ROM technology; the Night Moves Program provides recreational opportunities throughout the City, partnering with neighborhood organizations, and partnership with Youth Services and the City's Recreation Division; the Internships and Employment Program will provide internships for 60 - 65 young people this summer, partnering with City departments for placement, partnering with Youth



Service organizations for placement, and on the job training and work ethic development; the Youth Nutrition Program provides nutritional breakfasts and lunches during summer months, includes a recreational component, provides a nutritional education component and emphasizes the role proper nutrition plays in physical/mental development; the Mobile Recreation Program brings recreation opportunities to neighborhoods throughout the City and provides "Neighborhood Specific" Programs in under served neighborhoods of the community; the Youth Student Grant provides educational opportunities for youth in a school setting, enhancement of environmental awareness, a Social Science based program, and the 2003 Pilot Project for the Addison Butterfly Garden; Youth Commission projects consist of National Youth Services Day (adoption of Huff Lane Micro Village), Town meeting follow-up, design and plan a Youth Concert in August 2003, host a reception for World Changers on July 12 - 19, 2003, conduct a teen activity survey in December, 2003, develop and coordinate a Youth Council within each middle school in December 2003 and investigate, design and develop a "Youth Community Place in the 2003-04 budget year; the Teen Fitness Pilot Program includes a fitness program identified for teens, a family activity to encourage families to "Get Fit" together, and partnering with different middle schools each year; Laws of Life program includes partnership with Hollins University and publication of finished materials in "Youth Writing Block", governance, community involvement, leadership and core values and character development.

In summary, Ms. Vaughn-Howard advised that goals are to develop a youth leadership role in the community, to develop a holistic and innovative approach to providing youth services and programs, to create a forum and to empower youth, to develop a comprehensive approach to youth program delivery, to develop programs for young people by young people, and to promote the motto: "Roanoke, the City that continues to care about children". She stated that a recommendation will be forthcoming from the Youth Services Citizen Board and the Youth Council.

During a discussion by Council Members, it was suggested that there be consideration in regard to an amendment to the City's Comprehensive Plan to develop a comprehensive approach to youth program delivery. Council Members commended the Youth Council for partnering with Hollins University and formation of the Youth Academy.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

**REPORTS OF COMMITTEES:**

**BUDGET-SCHOOLS:** A communication from the Roanoke City School Board requesting appropriation of the following funds, was before Council.

**\$57,008.00 from the Capital Maintenance and Equipment Replacement Fund for school bus route management software and replacement of school buses.**

**\$2,100,000.00 for Lincoln Terrace improvements. Funding will be utilized from Literary funds and Qualified Zone Academy Bond funds.**

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Dowe offered the following budget ordinance:

**(#36346-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School and School Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

(For full text of Ordinance, see Ordinance Book No. 67, page 312.)

Mr. Dowe moved the adoption of Ordinance No. 36346-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

**NAYS:** None-----0.

**UNFINISHED BUSINESS: NONE.**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**FIRE DEPARTMENT-ACTS OF ACKNOWLEDGMENT-EMERGENCY MEDICAL SERVICES:** Council Member Dowe advised that he recently participated in a Fire/EMS "ride along" to observe Fire/EMS operations on a personal level; whereupon, he commended and expressed appreciation to staff of the Fire/EMS Department on the service they render to the citizens of Roanoke on a daily basis.

**ACTS OF ACKNOWLEDGMENT-NEWSPAPERS-SCHOOLS:** Council Member Cutler called attention to a newspaper article which was published in the Monday, May 19, 2003 edition of *The Roanoke Times*; whereupon, he commended William Fleming High School on academics and classroom achievement.

**ACTS OF ACKNOWLEDGMENT-COMMITTEES-SISTER CITIES-LOCAL COLORS:** Council Member Cutler commended the efforts of Ms. Pearl Fu in connection with another successful Local Colors Festival on Sunday, May 18, 2003.

**SEWERS AND STORM DRAINS-WATER RESOURCES:** Council Member Cutler called attention to the need to expedite construction of storm sewer drains through creation of a storm water utility fee to fund construction and inclusion of flood control among future responsibilities of the regional water authority.

**WATER RESOURCES:** Council Member Cutler called attention to a public meeting on development of Tinker Creek Watershed Bacteria Total Maximum Daily Load Rules Affecting Glade Creek, Lick Run, Layman Creek, and Carvin Creek on June 24, 2003, at 7:00 p.m., in Babcock Auditorium at Hollins University.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

No citizens requested to be heard.

**CITY MANAGER COMMENTS:**

**ACTS OF ACKNOWLEDGMENT-BUSINESS INCUBATORS:** The City Manager commended Soft Solutions, a graduate of the Small Business Incubator in Wasena, which was recently named the 2003 Outstanding Incubator Graduate in the technology category at the National Business Incubation Association International Conference on Business Incubation in Richmond, Virginia.

**CITY EMPLOYEES-ROANOKE CIVIC CENTER:** The City Manager announced that Wilhemina Boyd will assume the position of Director of Civic Facilities, effective May 28, 2003.

At 4:05 p.m., the Mayor declared the meeting in recess for two Closed Sessions.

At 6:45 p.m., the meeting reconvened in the City Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, except Vice-Mayor Harris.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----6.

**NAYS:** None-----0.

(Vice-Mayor Harris was absent.)

**BUDGET-COMMITTEES-CITY COUNCIL-LEGISLATION-PERSONNEL DEPARTMENT-CONVENTION AND VISITORS BUREAU-FIFTH PLANNING DISTRICT COMMISSION-AUDIT COMMITTEE-WAR MEMORIAL-FIRST CITIES COALITION:** In view of the resignation of Council Member William H. Carder, effective May 16, 2003, by consensus of Council, the following committee assignments were approved:

**Council Member Beverly T. Fitzpatrick, Jr.:**

**Budget and Planning Committee**

**Audit Committee**

**Legislative Committee**

**Personnel Committee**

**Roanoke Valley Convention and Visitors Bureau, Board of Directors (Council Member Wyatt will serve as alternate representative.)**

- Vice-Mayor Harris will Chair the Budget and Planning Committee
- Council Member Bestpitch will Chair the Legislative Committee
- Council Member Dowe will Chair the Personnel Committee
- The Mayor will fill the unexpired term of William H. Carder as a member of the Roanoke Valley-Alleghany Regional Commission, ending June 30, 2003. (The term of office will commence July 1, 2003 - June 30, 2006.)
- Council Member Bestpitch will replace Mr. Carder on Virginia's First Coalition of Cities (Council Member Fitzpatrick will serve as alternate representative.)
- Vice-Mayor Harris will replace Mr. Carder on the War Memorial Committee.

**COMMITTEES-YOUTH-OATHS OF OFFICE:** The Mayor advised that the terms of office of F. B. Webster Day, Cheryl D. Evans and Ashley Johnson as members of the Youth Services Citizen Board will expire on May 31, 2003; Mr. Day has declined to serve another term; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Fitzpatrick placed in nomination the names of Cheryl D. Evans, Ashley Johnson, and Richard Clemmer, Jr.

There being no further nominations, Ms. Evans, Ms. Johnson and Mr. Clemmer were reappointed/appointed as members of the Youth Services Citizen Board, for terms ending May 31, 2003, by the following vote:

**FOR MS. EVANS, MS. JOHNSON AND MR. CLEMMER:** Council Members Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----5.

(Vice-Mayor Harris was absent.)(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

At 6:50 p.m., the Mayor declared the meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, May 19, 2003, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

**PRESENT:** Council Members Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith-----6.

**ABSENT:** Vice-Mayor C. Nelson Harris-----1.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member Dowe.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**ACTS OF ACKNOWLEDGMENTS:** The Mayor advised that "Shining Star" awards are presented to persons who go above and beyond the call of duty to be of service to their fellow man and woman and to their community. He stated that on behalf of the Members of Council, he was pleased to present two "Shining Star" awards.

The Mayor advised that the first award is presented to the Patrick Henry High School Emergency Response Team, composed of Amy Barger, Andrew Ferring, David Fifer, John Kaylor and faculty advisor, SRO Ray Lewis. He stated that the team provides immediate stabilization of medical and trauma emergencies on the campus of Patrick Henry High School and members are certified Commonwealth of Virginia Emergency Medical Technicians; they provide standby coverage for selected school functions such as football games, pep rallies, and assemblies, and they also serve as volunteers throughout the Roanoke Valley. He commended the above named persons who make a difference when seconds count.

The Mayor further advised that a second "Shining Star" award is presented to Mr. Eugene E. Samuels, an employee of the City in the Department of Utilities. He stated that recently, Detective Kyle Williams observed an individual on the Wasena Bridge who was visibly despondent and appeared to be contemplating jumping from the bridge; as the detective was waiting for support from another officer, Mr. Samuels was driving across the bridge and noticed the man sitting on the wall of the bridge; Mr. Samuels stopped his vehicle to render assistance, but before he got too close to the suicidal man, the detective directed Mr. Samuels not

to approach, at which time he got back in his vehicle and parked at a safe distance from the scene, where he got out and watched the situation begin to unfold. He advised that at that moment, the man lowered himself from the wall of the bridge to the narrow lip on the outside and leaned out in preparation to jump; recognizing the immediate danger, both Detective Williams and Mr. Samuels ran toward the man and just as he was about to let go, they were able to pull him to safety. The Mayor stated that while some people might have driven by and not paid attention to what was going on, Mr. Samuels stopped and showed concern for a fellow citizen in his time of need.

#### **PUBLIC HEARINGS:**

**STREETS AND ALLEYS:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 19, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Liberty Property Limited Partnership that a 0.186 acre portion of right-of-way in the shoulder of Blue Hills Circle, N. E., be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 2, 2003 and Friday, May 9, 2003.

The City Planning Commission submitted a written report advising that the petitioner requests closure and vacation of a portion of unimproved right-of-way to add the land to an adjoining parcel; and the petitioner owns all of the adjoining property to which this portion of right-of-way would be added.

The City Planning Commission recommended that Council approve the request to vacate, discontinue and close the subject portion of right-of-way, subject to certain conditions; and further recommended that the petitioner not be charged a fee for the parcel of land.

Mr. Dowe offered the following ordinance:

(#36347-051903) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 314.)

Mr. Dowe moved the adoption of Ordinance No. 36347-051903. The motion was seconded by Mr. Bestpitch.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36347-051903 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 19, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission that property located within the southwest quadrant of the City, identified as Official Tax Nos. 1330401 - 1330403, inclusive, and 1330117, 1330118 and 1330134, located on Denniston Avenue, Memorial Avenue and Our Street, S. W., be rezoned from C-1, Office District, to CN, Neighborhood Commercial District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 2, 2003 and Friday, May 9, 2003.

The City Planning Commission submitted a written report advising that the owner of two properties fronting on Memorial Avenue, S. W. (Official Tax Nos. 1330117 and 1330118) approached City Planning staff with regard to rezoning the properties from C-1, Office District, to CN, Neighborhood Commercial District; the area represents the eastern edge of the Grandin Village business area; and City staff identified several adjacent C-1 properties (Official Tax Nos. 1330134, 1330401, 1330402, and 1330403) which are similarly situated and recommended that all parcels be included in a rezoning initiated by the City Planning Commission.

The City Planning Commission recommended that Council approve the request for rezoning, which is supported by and consistent with the Comprehensive Plan in that it will encourage development that is appropriate for the village center.



Mr. Dowe offered the following ordinance:

(#36348-051903) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 133, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 316.)

Mr. Dowe moved the adoption of Ordinance No. 36348-051903. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36347-051903 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**PURCHASE/SALE OF PROPERTY-CITY PROPERTY-INDUSTRIES:** Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, May 19, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to enter into an option, or sale agreement, for the sale of 18.437 acres of City-owned property, identified as New Tract F, located in the Roanoke Centre for Industry and Technology for commercial purposes, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Saturday, May 10, 2003.

The City Manager submitted a communication advising that staff of the City of Roanoke Department of Economic Development has been negotiating with a potential buyer for the purchase of New Tract F, Official Tax No. 7230105, at the

Roanoke Centre for Industry and Technology (RCIT); in order to option or sell property, a public hearing is required under the Code of Virginia, which has been scheduled for May 19, 2003, and an Option Agreement has been finalized for Council's approval.

The City Manager recommended, following the public hearing, that she be authorized to execute an Option Agreement, and to take such further action and to execute such other documents as may be required to implement sale of the property.

Mr. Fitzpatrick offered the following ordinance:

(#36349-051903) AN ORDINANCE authorizing the execution of an Option Agreement with Roanoke Development, LLC, for the option to purchase a parcel of land known as New Tract F and consisting of approximately 18.437 acres in the Roanoke Centre for Industry and Technology ("RCIT"), upon certain terms and conditions; authorizing the City Manager to take such further action and execute such other documents as may be required in connection with such Option Agreement; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 318.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36349-051903. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., requested that Council consider minority hiring practices of SEMCO Inc. of Virginia, and determine if SEMCO is the type of employer that the City of Roanoke wishes to transact business with.

Mr. Herman Carter, 2910 Clifton Street, N. W., expressed concern with regard to hiring practices of SEMCO Inc. of Virginia and Sheet Metal Workers Local 100. He asked that the City of Roanoke request a Federal investigation of SEMCO and Local 100.

Upon question, the City Manager advised that an investigation of employment practices would be more appropriately addressed by a Federal agency; whereupon, Mr. Fitzpatrick suggested that the City Manager contact SEMCO to advise of community concerns.

There being no further speakers, the Mayor declared the public hearing closed.

There being no further discussion by Council, Ordinance No. 36349-051903 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

The City Manager submitted a communication advising that the Industrial Development Authority of the City of Roanoke approved a resolution for IDA bond financing on April 9, 2003, in an amount not to exceed \$6,000,000.00 for WELBA I, LLC, or another limited liability company to be formed by the principals thereof; and the City's Economic Development staff has negotiated with Roanoke Development, LLC, for an Option Agreement for purchase of New Tract F in the Roanoke Centre for Industry and Technology to build a new facility at RCIT for lease to SEMCO Incorporated of Virginia for manufacturing purposes.

The City Manager recommended that Council approve issuance of Industrial Development Bonds by the Industrial Development Authority, not to exceed \$6,000,000.00, and authorize the City Manager to take such action as is referenced in a proposed resolution.

Mr. Dowe offered the following resolution:

(#36350-051903) A RESOLUTION approving the issuance of up to \$6,000,000.00 in Revenue Bonds of the Industrial Development Authority of the City of Roanoke, Virginia (the "Authority") at the request of WELBA I, LLC, or another limited liability company to be formed by the principals thereof ("Borrower"), to assist in the financing of the acquisition, construction and equipping of a facility consisting of approximately 104,400 square feet to be leased to Semco Incorporated, and to be used for the manufacture of ductwork ("Project") which will be located on New Tract F in the Roanoke Centre for Industry and Technology (the "Centre"), which approval is required by §147(f) of the Internal Revenue Code of 1986, as amended, and §15.2-4906 of the Code of Virginia (1950), as amended.

(For full text of Resolution, see Resolution Book No. 67, page 319.)

Mr. Dowe moved the adoption of Resolution No. 36350-051903. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

CITY CODE-ANIMALS/INSECTS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 19, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to an amendment of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, Section 36.1-228, Special exception uses, to include veterinary clinics with no outside corrals and pens, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 2, 2003 and Friday, May 9, 2003.

The City Planning Commission submitted a written report advising that the petition was initiated pursuant to Resolution No. 36259-030303, adopted by Council on March 3, 2003, authorizing the City Manager to initiate an amendment of the zoning ordinance to provide for establishment of veterinary clinics as a special exception use in the C-3, Central Business District.

The City Planning Commission recommended that Council approve the proposed text amendment.

Mr. Fitzpatrick offered the following ordinance:

(#36351-051903) AN ORDINANCE amending and reordaining §36.1-228, Special exception uses, Article III, District Regulations, Division 3, Commercial District Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by adding subsection (6) to provide for the establishment of veterinary clinics with no outside pens or corrals as a special exception use in the C-3, Central Business District; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 321.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36351-051903. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36347-051903 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**POLICE DEPARTMENT-CITY CODE-TOWING CONTRACT-ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 19, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to proposed amendments to the Zoning Ordinance to better define and differentiate between certain interrelated land use activities that involve towing services, wrecker services, new and used motor vehicle sales and service and a new and used commercial motor vehicle sales and service, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 2, 2003 and Friday, May 9, 2003.

The City Planning Commission submitted a written report advising that the text amendments have been initiated to better define and differentiate between certain interrelated land use activities that involve towing services, wrecker services, new and used motor vehicle sales and service, and new and used commercial motor vehicle sales and service; a 1999 court decision delineated the ineffectiveness of enforcement of the zoning ordinance with respect to the current definition of a "tow truck operation" in regard to salvaging and continuous outdoor storage of inoperable motor vehicles; various aspects of the text amendments have been the subject of public discussion since August, 2001; and different versions of a text amendment have been presented to the City Planning Commission on two prior occasions.

It was further advised that after the recommendation of approval by the Planning Commission in November, 2001, opposition by local towing contractors associated with the City's Towing Advisory Board resulted in the City Planning Commission requesting that the matter be referred back to staff and to the Towing Advisory Board for further study; and the matter was tabled again by the Planning Commission in April, 2002:

Considerations – Towing services and wrecker services:

The proposed amendments more clearly define towing operations by providing two new classifications, namely "towing service" and "wrecker service;" these classifications include specific activities permitted with respect to towing and disposition of operable or inoperable motor vehicles; in addition to providing recovery, removal, and storage activities for inoperable or damaged motor vehicles, the proposed definition of a "wrecker service" includes the dismantling, demolition, repair, salvage, or sale of inoperable or damaged motor vehicles or parts; a "towing service" does not include those activities.

The proposed amendments regulate "towing services" and "wrecker services" as follows:

"Towing services" are permitted by right in the C-2, LM, and HM Districts. (Note: The current ordinance permits "tow truck operations", as defined by the current ordinance, by special exception in the LM and HM Districts.)

"Wrecker services" are permitted by special exception in the LM and HM Districts. (Note: The current ordinance permits by special exception "tow truck operations" with certain standards and "wrecking, salvage and recycling yards" in the HM District; the proposed text amendment will provide for a combination of "wrecker service" and "wrecking, salvaging and junk yards" under one special exception use provision.)

- Any parts removed from a damaged or inoperative motor vehicle as part of the salvage operations of a "wrecker service" are required to be stored within a wholly enclosed building.

For both “towing services” and “wrecker services”:

- A minimum lot area of 20,000 square feet is required.
- Storage areas for damaged and inoperable vehicles are required to be screened from view from adjacent properties and public streets;
- Outdoor storage of damaged and inoperable vehicles is limited to a period not to exceed 120 calendar days, except for certain circumstances set forth in the proposed amendment. (Note: The current ordinance limits such storage to 45 business days.)

**Considerations – Motor vehicle sales and service:**

The proposed amendments provide definitions for “new commercial motor vehicle sales and service establishment,” “used commercial motor vehicle sales and service establishment,” “new motor vehicle sales and service establishment,” and “used motor vehicle sales and service establishment”, and provide for such uses as follows:

“New commercial motor vehicle sales and service establishments” are permitted by right in the LM District, provided the lot contains a minimum of 20,000 square feet. (Note: Under the current ordinance, the sale or rental of “automobiles, trucks, and construction equipment” is permitted by right in the C-2 District, with a minimum lot area of 20,000 square feet, while the “sale or rental of trucks and construction equipment” is permitted by special exception in the LM District.)

“Used commercial motor vehicle sales and service establishments” are permitted by special exception in the LM District.

“Commercial motor vehicle repair” is permitted in the LM District, provided that all such repair activities are in a wholly enclosed building.

**“New motor vehicle sales and service establishments” are permitted by right in the C-2 District provided the lot area contains a minimum of 40,000 square feet, and by special exception in the C-3, Central Business District. (Note: Under the current ordinance, “the sale or rental of automobiles, trucks, and construction equipment” is permitted by right in the C-2 District with a minimum lot area of 20,000 square feet, and by special exception in the C-2 where the lot area is less than 20,000 square feet.)**

**“Used motor vehicle sales and service establishments,” are permitted by right in the C-2 District with a minimum lot area of 10,000 square feet. (Note: Under the current ordinance, there is no differentiation between a “new” and “used” “motor vehicle establishment and therefore used motor vehicle sales and service is permitted by right in the C-2 with a lot area of at least 20,000 square feet or by special exception with a lot area of less than 20,000 square feet.)**

**Considerations – General service establishments:**

**The proposed text amendments address the permitted locations of “general service establishments.” In this proposal, “general service establishments” would be permitted as follows:**

**Permitted by right in C-2, General Commercial District: If primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building and can sell up to five repaired or rebuilt automobiles or trailers within one calendar year.**

**Permitted by right in C-3, Central Business District: Cannot repair automobiles or trailers.**

**Permitted by right in LM, Light Manufacturing District: If primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building.**

**Permitted by right in HM, Heavy Manufacturing District: If primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building.**



### **Considerations – Parking of commercial motor vehicles in residential districts:**

By adding the definition of a “commercial motor vehicle,” the proposed amendments revise the impact of the section providing for the regulation of the parking of commercial motor vehicles in a residential district; the change is tied to the proposed definition of a “commercial motor vehicle” and prohibits the parking of such vehicles in residential districts; for consistency, City Council will also be considering an amendment to §20-71 of the City Code regarding the definition of a commercial motor vehicle and the regulation of the parking of such vehicles on public streets in residential districts.

### **Other Considerations:**

Since the initial proposal, amendments have undergone a series of revisions to address concerns of the Towing Advisory Board and various motor vehicle dealerships, including an appropriate timetable for the storage of inoperable vehicles, flexibility in the permitted locations for general towing operations, and properly addressing the nature of motor vehicle businesses and how they operate. The proposed text amendments provide for:

The storage of inoperable vehicles up to 120 days (an increase from the 45 days of the current ordinance and the initially proposed 90 day limit);

“Towing services” permitted by right in the C-2, LM, and HM Districts compared to the current ordinance that permits “tow truck operations” only by special exception in the LM District; and

Well-defined distinctions between the land use activities of towing services, wrecker services, new motor vehicle sales and service, used motor vehicle sales and service, and new commercial vehicle sales and service, and used commercial vehicle sales and service.

**Mr. Dowe offered the following ordinance:**

**"AN ORDINANCE amending and reordaining §36.1-25, Definitions; subsections (26) and (37) of §36.1-206, Permitted uses; subsection (26) of §36.1-227, Permitted uses; subsection (3) of §36.1-228, Special exception uses; subsection (24) of §36.1-249, Permitted uses; subsection (11) of §36.1-270, Permitted uses; subsection (5) of §36.1-271, Special exception uses; §36.1-206, §36.1-207, and §36.1-250, by deleting certain uses as permitted uses or uses by special exception; and §36.1-435, Parking of commercial vehicles, and adding new subsections (50) and (51) of §36.1-206, Permitted uses; subsections (28), (29) and (30) of §36.1-249, Permitted uses; subsections (5) and (9) of §36.1-250, Special exception uses; subsections (12) and (13) of §36.1-270, Permitted uses; and subsection (3) of §36.1-435, Parking of commercial vehicles, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance."**

**Mr. Dowe moved adoption of the above referenced ordinance. The motion was seconded by Mr. Cutler.**

**The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, the following persons addressed Council.**

**Mr. Leo Trener, 543 Petty Avenue, N. E., expressed concern that he received no prior notification that the proposed ordinance was to be considered by Council this evening. He stated that the report of the City Planning Commission states that five vehicles may be sold within one year, but makes no reference to a motor vehicle dealer's license; however, State Code provisions specifically require that in order to sell or allow the display of five or more vehicles within one year, a dealers license must be obtained. Therefore, he noted that the City's proposed ordinance is not in conformance with State Code provisions. He called attention to enforcement issues regarding unlicensed for sale vehicles that are parked on shopping center lots throughout the City. He requested that Council delay action on the recommendation of the City Planning Commission for approximately 60 days, notify property owners, and allow for citizen input and fine tuning of the proposed regulations before they are enacted by Council.**

**Ms. Susan Brazell, 451 Hope Road, S. W., Administrator, Virginia Association of Towing and Recovery Operators (VATRO), advised that VATRO works in conjunction with approximately 125 towing companies throughout the Commonwealth of Virginia to promote the professionalism of the towing and**

recovery industry. She explained that the State Code addresses scrap metal dealers, etc., and includes repair facilities in the category with scrap, and salvage companies; however, repair facilities are quite different. She stated that another issue of concern relates to incident response time and when tow trucks are prohibited from parking in residential areas, the response time of 20 minutes in order to be included on the City's call list will drop due to the amount of time involved for the tow truck operator to return to his business and drive to the scene of the incident. She explained that the Federal Highway Administration has awarded \$150,000.00 to the towing industry to develop an incident management guidebook for towers; therefore, for the above stated reasons, she requested that Council delay the vote on the proposed ordinance pending further study and input by all affected parties.

Mr. Tommy Woods, 1749 Granby Street, N. E., representing Woods Towing and Recovery and Tanglewood Towing and Recovery, advised that the proposed regulations restricting the parking of tow trucks in residential neighborhoods are so restrictive that tow company operators will choose not to live in the City of Roanoke because the 20 minute response time in order to be included on the Police Department's tow list cannot be met. He called attention to emergency situations when it is imperative that a tow truck arrive at the scene of an incident as expeditiously as possible.

Mr. Mike Ferguson, 725 13<sup>th</sup> Street, S. W., requested that action on the proposed ordinance be delayed, that affected parties be notified of the proposed changes, and encouraged the City to notify citizens of proposed changes before they are enacted by Council to allow for public input. He explained that the proposed revisions will affect not only the present generation of tow truck operators, but future generations as well; therefore, the matter justifies more study before the proposed regulations are approved by Council.

There being no further speakers, the Mayor declared the public hearing closed.

With regard to addressing the 20 minute or less response time, Mr. Bestpitch questioned whether alternative procedures were suggested for meeting the required response time; whereupon, Brian Townsend, Agent to the City Planning Commission, advised that the Planning Commission did not reach that level of discussion because the matter only becomes an issue during non-business hours, and during the work day, it was the Planning Commission's presumption that tow truck operators will operate from their place of business or on call by radio.

There was discussion with regard to notification of affected parties; whereupon, Mr. Townsend advised that the matter has been under consideration and discussion for the past 18 months, and representatives of the towing industry were given the opportunity to identify and address areas of concern.

There was discussion with regard to previous comments by Mr. Leo Trener that State Code provisions require that a dealer's license must be obtained in order to sell for profit five or more vehicles within one year; whereupon, Evelyn D. Dorsey, Zoning Administrator, advised that according to information received from the Motor Vehicle Dealer Board in Richmond, up to five vehicles may be sold within one calendar year without having to be licensed as a dealer.

Following further discussion, the City Attorney reviewed Title 46.2, Code of Virginia (1950), as amended, which, among other things, provides that any person who offers to sell, sells, displays or permits the display for sale of five or more motor vehicles within any 12 month period must obtain a dealers license.

Ms. Wyatt offered a substitute motion that action on the proposed ordinance be tabled, and that the matter be referred back to the City Planning Commission for further study, report and recommendation to Council, in order to provide an opportunity for input by all affected parties. The motion was seconded by Mr. Fitzpatrick and adopted.

Mr. Fitzpatrick stated that there is a difference when residents complain about commercial vehicles parking in residential neighborhoods, as opposed to tow trucks. He stated that because the Police Department has required a 20 minute response time for towers to be included on the City's towing list, there should be an appropriate compromise. Also, in the salvage and wrecking business, he stated that owners must take responsibility relating to the condition of their property.

In order to generate wide spread notification of the proposed amendments, Mr. Bestpitch requested that all persons in a related business who were present in the Council Chamber and those persons watching the proceedings on RVTV Channel 3, contact at least three other persons who are in the same business.

A communication from the City Manager recommending adoption of an ordinance amending Section 20-71 of the City Code pertaining to the regulation of on-street or alley parking of commercial motor vehicles in residential districts, was tabled pending determination of the definition of commercial vehicle.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.

**COMPLAINTS-HOUSING/AUTHORITY:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., addressed Council as a member of the Lincoln Congress, which represents numerous residents of Lincoln Village. She reiterated previous concerns of residents regarding the need for installation of screen doors on their housing units which will result in improved health and safety.

Ms. Bessie Bond, 1933 Gayle Street, N. W., advised that the residents of Lincoln Terrace need screen doors on their housing units for health and safety reasons.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., a member of the Lincoln Congress, spoke in support of the request of the two previous speakers. She called attention to special concerns regarding the elderly and disabled and referred to faulty construction at Lincoln Terrace, some units have only one entrance or exit, which is a fire hazard, and the Roanoke Redevelopment and Housing Authority has not responded satisfactorily to their concerns. She asked that Council work in concert with the City Manager and the Executive Director of the Housing Authority to address valid issues of concern, and that Council visit the area and talk with residents regarding their concerns.

**SCHOOLS:** Mr. Chris Craft, 1501 East Gate Avenue, N. E., called attention to the need for School Resource Officers at William Fleming and Patrick Henry High Schools.

Mr. David Fifer, 3738 Heritage Road, S. W., advised that the Roanoke City School Board is currently considering eliminating a School Resource Officer position at both William Fleming and Patrick Henry High Schools, thus reducing the number of officers assigned to each school from three to two. He stated that should the School Board follow through with the decision, it would be to the severe detriment of school safety, security, and police community relations; and School Resource Officers are more than peace officers, they are faculty advisors, coaches, counselors, mentors, teachers, friends and role models, and their presence in the schools puts a personal face on law enforcement. He advised that the Patrick Henry High School Emergency Response Team has responded to approximately 35 calls for service this school year alone and the team would not exist if it were not for the

involvement of School Resource Officers, who are professionals trained specifically to identify opportunities for safer learning environments. He added that for some persons to state that schools are safe and police presence is unnecessary is an irresponsible attempt to paint a certain picture of Roanoke's school system that is, at the very least, naive. He advised that School Resource Officers are the only persons who come to the job every day with the knowledge and the tools to counter the very real and easily identifiable threats found in today's schools. In conclusion, he stated that School Resource Officers not only protect lives and ensure safety, but demonstrate to many students that Police Officers are a friend to those in need. He requested that Council work with the School Board and the Superintendent of Schools to ensure that the City of Roanoke does not take a backwards step on the road to a safer tomorrow.

**CITY CODE-SEWERS AND STORM DRAINS-BUDGET-COMPLAINTS-NEIGHBORHOOD ORGANIZATIONS-HOUSING/AUTHORITY:** Ms. Eleanor Casey, 5220 Shamrock Road, N. W., addressed Council in connection with a house that was moved to the Shamrock Road area approximately one year ago. She inquired as to actions, if any, the City can take to provide input with regard to changing State laws governing the authorization of building permit extensions every six months for an indefinite period of time; and what entity has jurisdiction over site regulation during the construction process.

Ms. Gloria Dowe, 3702 High Acres Road, N. W., also addressed issues regarding a house that was moved to the Shamrock Road area. She inquired as to when does a structure being transported on steel beams to a site that is not supported by steel beams cease to be a conventional mobile manufactured home; and do zoning regulations currently exist that would prohibit the location of a mobile home in a residential neighborhood. She called attention to the need for sidewalk, curb and gutter in the Westside area of the City.

Council Member Bestpitch responded to the remarks of Ms. Casey and Ms. Dowe, and advised that the Legislative Committee will look to the City Manager for recommendations for inclusion in the City's 2004 Legislative Program, that will address their concerns.

**COMPLAINTS:** Mr. Robert Gravely, 3360 Hershberger Road, N. W., expressed concern that the City of Roanoke supports the needs of business over the needs of its citizens; the City's ageing infrastructure; and the City is losing revenue because all sales and real estate taxes are not being properly collected.

**COUNCIL-WATER RESOURCES:** Council Member Dowe requested that the City Manager investigate standing water at the corner of Andrews Road and 19th Street, N. W., and Wellsley Avenue and Abbott Street, N. W.

**COUNCIL-WATER RESOURCES:** Council Member Wyatt requested that the City Manager investigate standing water in the area of the Lynchburg Turnpike.

**COUNCIL-STREETS AND ALLEYS:** Council Member Fitzpatrick called attention to pot holes in the City's streets and encouraged City employees to identify those areas of the City as they go about their daily tasks, with the goal of repairing pot holes on a temporary basis, pending the City's annual street paving program.

There being no further business, at 9:05 p.m., the Mayor declared the meeting adjourned.

**A P P R O V E D**

**ATTEST:**

Mary F. Parker  
City Clerk

Ralph K. Smith  
Mayor

-----



**RALPH K. SMITH**  
Mayor

# CITY OF ROANOKE

## CITY COUNCIL

215 Church Avenue, S.W.  
Noel C. Taylor Municipal Building, Room 456  
Roanoke, Virginia 24011-1536  
Telephone: (540) 853-2541  
Fax: (540) 853-1145

**Council Members:**  
William D. Bestpitch  
M. Rupert Cutler  
Alfred T. Dowe, Jr.  
Beverly T. Fitzpatrick, Jr.  
C. Nelson Harris  
Linda F. Wyatt

July 7, 2003

The Honorable Mayor and Members  
of Roanoke City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

At the June 16, 2003 meeting of the Roanoke City Council, a resolution was adopted authorizing reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates. The measure further provides that Council is authorized to select seven of the initial appointees, five of whom shall be from the current membership of the Roanoke Neighborhood Partnership Steering Committee.

At our meeting on June 16, Council appointed six of our seven initial appointees; however, no reference was made to their terms of office. With the concurrence of Council, I would propose the following staggered terms of office, and following completion of the initial terms of office, reappointment will be for three year terms:

Joseph A Schupp	-	three years
Bob R. Caudle	-	three years
Robin Murphy-Kelso	-	two years
Carl D. Cooper	-	two years
Richard J. Nichols	-	one year
Shirley M. Bethel	-	one year

With kindest regards.

Sincerely,

William D. Bestpitch

WDB:mp





**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Encroachments into Public Right-of-Way  
Modular Newsracks at Center In The  
Square and Sun Trust Buildings

Pursuant to the requirements of the Virginia Code, the City of Roanoke is required to hold a public hearing on proposed encroachments into public right-of-way. This is to request that a public hearing be advertised on the above matter for Council's regular meeting to be held on Monday, July 21, 2003. A full report will be included in the July 21, 2003, agenda material for your consideration.

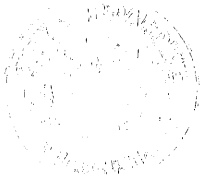
Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB/SEF

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Sarah E. Fitton, Engineering Coordinator



# **CITY OF ROANOKE**

## **OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request For Public  
Hearing to Consider Lease  
of City Owned Property

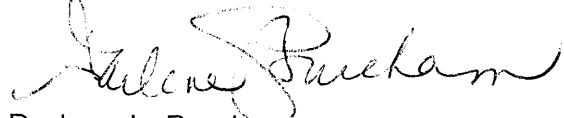
Nextel WIP Lease Corp., a Delaware general partnership, d/b/a Nextel Partners, with its principal office at 4500 Carillon Point, Kirkland, WA 98033, has requested to lease a portion of the Summit Water Tank and ground site, which is located in the area of 4500 Franklin Road, S.W., at the end of Summit Way Drive, S.W., Tax Map No. 5380121. The purpose of this request is to install directional antennas, connecting cables and appurtenances.

To lease this property, a new lease agreement is required as well as a public hearing. The terms and conditions of this lease are in accordance with the City of Roanoke Policy as to Wireless Telecommunication Facilities located on City Property dated January 21, 1997. The term of this lease shall be four (4) years commencing on August 1, 2003 and expiring on July 31, 2007. This lease may be renewed for up to two (2) five (5) year terms upon mutual agreement by the parties.

Recommended Action:

Authorize the scheduling and advertising of a public hearing to consider entering into a new lease agreement between the City of Roanoke and Nextel WIP Lease Corp., a Delaware general partnership, d/b/a Nextel Partners.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene Burcham". The signature is fluid and cursive, with the first name "Darlene" and last name "Burcham" clearly distinguishable.

Darlene L. Burcham  
City Manager

DLB:jvm

c: Mary F. Parker, City Clerk  
George C. Snead, Jr., Assistant City Manager for Operations  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Michael McEvoy, Director of Utilities

**MINUTES OF ROANOKE CITY AUDIT COMMITTEE****June 2, 2003****1. CALL TO ORDER:**

The meeting of the Roanoke City Audit Committee was called to order at 11:32 a.m. on Monday, June 2, 2003, with Chair, Linda F. Wyatt, presiding.

- **The roll was called by Mrs. Powers**

**Audit Committee**

**Members Present:** Linda F. Wyatt, Chair  
Mayor Ralph K. Smith  
William D. Bestpitch  
Dr. M. Rubert Cutler  
Alfred T. Dowe, Jr.  
Beverly T. Fitzpatrick, Jr,

**Others Present:**

Drew Harmon, Municipal Auditor  
Darlene L. Burcham, City Manager  
Arthur B. Crush, III, Clerk of Circuit Court  
David C. Anderson, City Treasurer  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Mary F. Parker, City Clerk  
Ann Shawver, Deputy Director of Finance  
Chris Slone, Public Information Officer  
Rolanda B. Russell, Asst. City Manager Community Development  
George C. Snead, Jr., Asst. City Manager for Operations  
David Collins, Assistant City Attorney  
Dana Long, Chief of Billings and Collections  
Mike Tuck, Assistant Municipal Auditor  
Pamela Mosdell, Information Systems Auditor  
Kevin Nicholson, Senior Auditor  
Brian Garber, Senior Auditor  
Evelyn Powers, Administrative Assistant  
Duane Howard, Citizen

**2. INTERNAL AUDIT REPORT:**

- A. Clerk of The Circuit Court
- B. Accounts Payable
- C. Civic Center
- D. Child Day Care
- E. Operations Center
- F. Billings and Collections
- G. Cash and Inventory Counts

Mrs. Wyatt ordered that the Clerk of The Circuit Court internal audit report be received and filed. The order was moved by Mr. Fitzpatrick and seconded by Dr. Cutler. Mrs. Wyatt recognized Mr. Harmon for comments. Mr. Harmon stated that the audit was our routine annual audit that the APA requires. Our office works with the APA and we provide half of the audit services and in return they do not bill the City for audit services. A copy of the APA's report is attached which is an unqualified opinion. There were no questions from the Committee. The motion was approved unanimously.

Mrs. Wyatt ordered that the Accounts Payable internal audit report be received and filed. The order was moved by Dr. Cutler and seconded by Mr. Fitzpatrick. Mrs. Wyatt recognized Mr. Harmon for comments. Mr. Harmon stated that the system is a fairly mature system and that we have a good handle on the system. Dr. Cutler asked the question why there were 1,300 personal property tax refund checks and what brings about this many refund checks. Mr. Anderson, City Treasurer, stated that the refunds are basically abatements to accounts after the tax bill has been already paid or pro-ration to vehicles where the taxpayer has already paid their account. There were no further questions from the Committee. The motion was approved unanimously.

Mrs. Wyatt ordered that the Civic Center internal audit report be received and filed. The order was moved by Mr. Fitzpatrick and seconded by Mr. Bestpitch. Mrs. Wyatt recognized Mr. Harmon for comments. Mr. Harmon recognized Mr. Tuck the in-charge auditor for his comments. Mr. Tuck stated that this audit was a review of the implementation of the Civic Center EBMS System. He also stated that originally we had intended to do a full evaluation of the system however; we found the system to be only partially implemented when we started the audit, and as a result we changed the audit objective to review the implementation process of the system. Mr. Tuck stated that the audit did note some areas of improvement and the recommendations are noted in the report. Dr. Cutler asked if the problem was that the EBMS software was not being used optimally and if we see progress being made in that regard? Mr. Tuck stated that he has met with the Department of Technology and Civic Center management to get a plan started to get the system fully implemented. Mr. Tuck stated that management is headed in the right direction. Dr. Cutler said that his sense to the situation is that the Civic Center had the software and have not been using much of the software to its fullest capabilities. Mr. Harmon stated that the biggest part when purchasing software is trying to plan the implementation and how you are going to use it, and building the procedures around it so that it gets used effectively. Mr. Harmon stated that the software at the Civic Center was sort of piece milled. The Civic Center was attempting to implement it independently more or less. Mr. Harmon stated that it really helps if you have someone who is familiar with project management like DoT, and that is why we have brought the parties together. Mr. Harmon stated that he feels we have the right people involved to make sure that the system gets implemented the way it should. Mayor Smith asked aside from these recommendations, is everything else okay at the Civic Center? Mr. Harmon stated that we did not look at anything else as far as their operations, the accounting procedures, or the Box Office. Mr. Harmon stated that our plans are to do a fiscal year-end audit when the Civic Center closes the books on June 30 and after that we are going to do basically a financial audit of the Civic Center.

Mayor Smith asked how many budget hours we budgeted for in the Civic Center audit. Mr. Harmon stated that this year we budgeted around 400 hours that included two audits – EBMS and the financial audit which is typically 200 hours each. Mrs. Burcham stated that the purchase of the EBMS system was initiated by Civic Center management and that when this software was purchased it did not go through some procedures that are now in place that mandate that the Department of Technology sign off on any new applications purchased. The sign-off requirement is for two reasons 1) to ensure that we have the necessary expertise within DoT to provide the kind of support that is needed for the system and 2) to ensure that if the system needs to be integrated that it can happen. Mr. Bestpitch asked if the reason that the coordination with Technology did not occur was because we did not have that requirement in place at the time the Civic Center purchased the EBMS system, and since that time we have changed our requirements. Ms. Burcham stated yes. Mrs. Wyatt asked as Council's liaison to the Civic Center Commission one of the issues has been trying to get a handle on the expenses of the Civic Center. Mrs. Wyatt asked if the EBMS software is capable of tracking expenses per event and projecting a clear picture of how money is spent as it pertains to different events. Mr. Harmon stated that from his understanding of the system it would because the system has inventory and labor tracking capabilities. Mr. Harmon stated that with the right person setting the system up you could track expenses better. Dr. Cutler asked about the transfer of money from the Civic Center to the City's general fund. Mr. Hall, Director of Finance, stated that because of some staff vacancies at the Civic Center they have gotten behind on closing out some events. Mr. Snead stated that the issues at the Civic Center will be top priority for the new Civic Facilities Director and with the support of Mr. Harmon and his staff the issues will be addressed and get the EBMS accounting module completely implemented so that it will smooth and make more timely the close of events, settlement of events, and movement and transfer of funds to the Department of Finance. There were no further questions from the Committee. The motion was approved unanimously.

Mrs. Wyatt ordered that the Child Day Care internal audit report be received and filed. The order was moved by Dr. Cutler and seconded by Mr. Fitzpatrick. Mrs. Wyatt recognized Mr. Harmon for comments. Mr. Harmon stated that this audit was initiated on a request from the State to ask localities to look at this area because of its' large expenses. Mr. Harmon stated that we looked at this program from the application process all the way through to actually visiting some of the day cares to look at the health and safety issues, and reimbursements. Mr. Harmon was pleased to say that the report was favorable. Mr. Bestpitch asked if we had a similar report before. Mr. Harmon stated that we discussed this at our work session. There were no further questions from the Committee. The motion was approved unanimously.

Mrs. Wyatt ordered that the Operations Center internal audit report be received and filed. The order was moved by Mr. Bestpitch and seconded by Mr. Fitzpatrick. Mrs. Wyatt recognized Mr. Harmon for comments. Mr. Harmon stated that we have begun looking at more areas in the Department of Technology. Mr. Harmon stated that we now have an Information Systems Auditor who has the expertise to audit this area. Mr. Harmon stated that the audit was favorable. Mr. Dowe asked if we did exit conferences

when division department heads change. Mr. Harmon stated that we are required to do turnover audits when there are changes in the Constitutional Officers, but typically we do not when department heads change. Mr. Harmon stated that we are going to look at Real Estate Valuation with Mr. Claytor's retirement. Dr. Cutler asked what a laser vault is. Mr. Harmon stated that it is a vault for data and that it is basically a program that the information in it is secure and cannot be in anyway distorted or lost. Dr. Cutler said that he was impressed by the high level of technology expertise that the audit staff had to have to second guess the Department of Technology and help them with their security. Mr. Harmon briefed the Committee on the expertise in the department and stated that the debate often is do you take an auditor and make them into a technology person or take a technology person and make them in an auditor, and we chose the former route in that we took someone who had audit experience who showed some skills in the computer area and asked her to work her way into an Information Systems Auditor. Mr. Harmon stated that Mrs. Mosdell is the department's Information Systems Auditor. Mrs. Mosdell has taken night courses to get an Associates Degree in Technology and she has taken certification courses and achieved a CISA certification this year. Mr. Harmon stated that we have a top technology department and being able to go into the department and look at the rapid change in that area is important from an audit standpoint. There were no further questions from the Committee. The motion was approved unanimously.

Mrs. Wyatt ordered that the Billings and Collections internal audit report be received and filed. The order was moved by Dr. Cutler and seconded by Mr. Fitzpatrick. Mrs. Wyatt recognized Mr. Harmon for comments. Mr. Harmon stated that based on his read of other localities that everyone is not fortunate to have centralized some of these miscellaneous collections. The City is one of the elite few that have a good process of control collections process throughout the organization. Mr. Harmon stated that the audit was favorable. Dr. Cutler asked if the request to DoT regarding the request for an automated workflow system was still pending and if so, was there some sense when that request might be accomplished. Mrs. Long, Manager of Billings and Collections, stated that the request has not been done and that it was on DoT's list. Mrs. Burcham said that the Technology Committee met last week and that she has not seen their list of priorities and that she was not in the position to respond to the question at this time. Ms. Burcham said that she will get this information to the Committee. Dr. Cutler said that if it is really that important, then it should move up on the priority list. There were no further questions from the Committee. The motion was approved unanimously.

Mrs. Wyatt ordered that the Cash and Inventory Counts internal audit report be received and filed. The order was moved by Mr. Fitzpatrick and seconded by Dr. Cutler. Mrs. Wyatt recognized Mr. Harmon for comments. Mr. Harmon stated that this audit came from input that we received from the Council and the Mayor in regards to more substantive testing where you go into the department and look at the inventory of cash. Mr. Harmon asked Mr. Tuck the in-charge auditor to comment on the details of the audit. Mr. Tuck stated that we conducted surprise and scheduled counts of cash and inventory at various City locations. Some areas had significant balances and others had small balances. Cash balances on hand were well accounted for generally and

also generally inventory balances appeared to be correct. Mr. Tuck stated that he did note some differences at Fleet Management due to a faulty scanner that they were using at the time. The scanner has been sent back to the vendor for repairs. Mr. Tuck stated that we will be on hand to observe Fleet Management's physical inventory at year end to verify that the differences have been corrected. Dr. Cutler had a question about the Sewage Treatment Plant's physical inventory amount. Mr. Tuck stated that that was the actual physical value of the plants inventory and not actual dollars on hand. There were no further questions from the Committee. The motion was approved unanimously.

### **3. UNFINISHED BUSINESS:**

There was no unfinished business to come before the Committee.

### **4. NEW BUSINESS:**

#### **A. Engagement Letter – Roanoke City Public Schools**

Mrs. Wyatt recognized Mr. Harmon for comments. Mr. Harmon stated to the Committee that the internal audit department provides the equivalent of one full-time auditor to the school system and in return they pay the equivalent of one full-time person. In making this arrangement, we put our agreement in writing in the form of the Engagement Letter. We have this agreement signed every year by the Chair person for both the Schools and the City. Mayor Smith asked if this meant that we could not have a spontaneous audit at the School Board. Mr. Harmon stated no that it does not. Mrs. Wyatt made the motion to receive and sign the Engagement Letter. The motion was approved unanimously.

Mrs. Wyatt stated that there was an issue that she wanted to bring up concerning violence. Mrs. Wyatt stated that she has been getting calls about violence issues in Roanoke City Public Schools. Mrs. Wyatt asked what the difference is between whether our Audit Committee does an audit or the State. Mr. Harmon stated that he has contacted the Department of Education and found a person in their internal audit function who stated that her department was not the department that would be coming to Roanoke, and she was not sure what department would come to audit Roanoke's crime reporting. Mr. Harmon stated that he hopes to talk to the State and find out exactly what their program is, who the auditors are, and what their objective would be in their audit. Mr. Fitzpatrick stated the he certainly would encourage us to make sure that in a time like this when our creditability is at stake we need to do whatever necessary to restore our creditability. Mr. Fitzpatrick stated that if the State is going to come in that is fine but, he would like Mr. Harmon do an audit also. Mr. Fitzpatrick stated that he thinks we should do anything we can to create a foundation that helps us understand what the issues are not just for City Council's behalf but, on the residents behalf; particularly the parents. Mr. Bestpitch stated that he agreed with Mr. Fitzpatrick completely. Mr.



Bestpitch stated that he thought we have to do whatever is necessary to restore the creditability in our school system and to demonstrate we are doing all we can to address those rare occasions when something truly unsafe may occur. Mr. Bestpitch stated that he thinks you would also take into consideration what the function of the school safety committees is and, what opportunities they provide to make sure that we are getting plenty of input from the students and the parent. Mrs. Wyatt stated that she thinks you should talk to students and parents but, there is no voice for the teachers. Mrs. Wyatt stated that she thinks there is an administrative voice but, not an open process for teachers, and I would encourage you to include teachers as part of that process. Dr. Cutler also agreed with Mr. Fitzpatrick and Mr. Bestpitch, and would go on to ask the Municipal Auditor that if he feels he has the authority to proceed to do so. Dr. Cutler asked if there was some kind of process necessary to get you invited to audit criminal statistics in Roanoke City Public Schools. Mr. Harmon stated that he has had discussions with the School Board Audit Committee Chair and other School Board members about an audit plan. Mr. Harmon stated that the feeling at that time was that it would be best if we allowed the State to come in do their audit and then in the following year, the Municipal Auditing department would come in and do a follow-up audit. Mr. Harmon stated that he has not talked with all School Board members about the audit plan and I have not talked to the State. Dr. Cutler stated that his sense is that people around the table do not want to wait a year to get involved in this issue. Mr. Harmon stated that this is a Board decision because they have a stake in this. Mr. Harmon stated that he would like to be able to tell the School Board what he thinks his department can do and here is what the State will be doing and give them my recommendation and see where it goes. Mr. Fitzpatrick suggested that when Mr. Harmon has an understanding as to what the State is going to do, that City Council, because of its fiduciary responsibility to the citizens, is interested in having the City's internal audit department do an audit. Mr. Fitzpatrick stated that he certainly did agree not to be in there at the same time, but we do not want to wait one year. Mr. Fitzpatrick stated that this is an important issue and because of our role in it and your role to us, it would be helpful for us to get all the information we can get from the State and you doing this. I think this is something you might want to communicate to the School Board members and see if they are willing to accept that opportunity for you to help them. Mr. Harmon stated that that is the approach he would like to take to impress Council's mood on this and lay out for them what we can bring to the process. Ms. Burcham suggested to the Audit Committee that each Council member contact their "buddy" on the School Board and discuss their concerns to them. The Committee agreed and since there are two new School Board members that do not have a buddy, Mrs. Wyatt agreed to contact these two new members. There was no further discussion.

Mrs. Wyatt stated that she had received a letter from Fairfax County on behalf of Mr. Harmon's work on their peer review team.

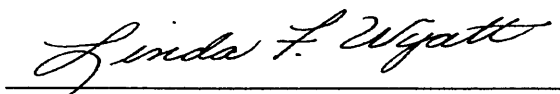
Mrs. Wyatt recognized Mayor Smith for comments. Mayor Smith had some questions on department purchases. Ms. Burcham briefed the Committee on the purchasing procedures. Ms. Burcham reported to the Committee that a Purchasing Manual is now in place to assist departments in following the proper procedures for procurement.

Mayor Smith asked if there is a practical way to determine what a department really needs versus just buying items they wanted. Ms. Burcham stated that under the replacement or purchase of new equipment there are several review levels. Mayor Smith asked Mr. Harmon if the audit department has ever looked at warranties to see if they are up-held. Mr. Harmon stated that we are finishing up a building maintenance audit and that we looked at the workflow with building maintenance and noted that we would like to take a look at the inventory of fixed asset records and how they manage those to record repairs and warranty information. Mr. Harmon stated that we have not looked at warranties but, it is something I think is coming in the next year. Mayor Smith had some questions on contractor warranties pertaining to the open holes in the streets and the backfill that is done by the majority of public contractors. Mayor Smith was concerned that when there is settlement prior to the one year that the warranties are not being up-held. Mayor Smith stated that if this is the case then this situation needs to be audited. Mr. Harmon stated that he thinks Streets and Traffic is an area that we are developing plans on how to do audits in that area and that something to consider is how they grade the streets, manage repairs, and look at contractors that do certain items for them. Mr. Fitzpatrick stated that he thought that was a valid thing and he wanted to say that one of the critical elements is our inspectors who are suppose to be, in many cases, on site managing and monitoring these projects.

Dr. Cutler asked if the City was using air quality issues in determining what kinds of equipment to purchase. Ms. Burcham stated that it is certainly something that is being reviewed. Dr. Cutler stated that he and Mr. Bestpitch would be interested in knowing a little more detail as to how the City is systematically going through the optional strategies that DEQ and the EAP have offered in respect as to how the City can lower the ozone pollution problem in the City. Dr. Cutler stated that we certainly want to be in a leadership role with respect to presenting a good example so we can in fact meet the lower low altitude ozone pollution rate that we must meet by 2007. Anything more specific about what the City can do to get to that, including metro buses and school buses, would be of interest to us sometime in the future. There we no other questions from the Committee.

## 6. ADJOURNMENT:

There being no further business, the meeting was adjourned at 12:33 p.m.



---

Linda F. Wyatt, Chair



# **CITY OF ROANOKE**

## **DEPARTMENT OF FINANCE**

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

**Director of Finance**

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

**Deputy Director**

email: ann\_shawver@ci.roanoke.va.us

July 7, 2003

The Honorable Ralph K. Smith, Mayor  
 The Honorable C. Nelson Harris, Vice Mayor  
 The Honorable William D. Bestpitch, Council Member  
 The Honorable M. Rupert Cutler, Council Member  
 The Honorable Alfred T. Dowe, Jr., Council Member  
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

We briefed City Council on restatement of the City's pension plan in May 2002. Pension plans such as ours are required to meet certain guidelines to receive favorable tax status. Periodically they must be requalified to assure they have incorporated tax law changes, as well as other potential changes in federal guidelines. The City of Roanoke Pension Plan has received a favorable letter of determination from the Internal Revenue Service (IRS), dated May 28, 2003, stating that it has determined that the Plan continues to be qualified in form under the Internal Revenue Code. This determination applies to the restatement adopted by City Council on May 20, 2002.

The IRS letter concludes that the Plan meets the applicable requirements of the Code as amended by the collection of laws referred to as "GUST" (consisting of Uruguay Round Agreement Act ("GATT"), the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), the Small Business Job Protection Act of 1996 (the "SBJP Act"), the Taxpayer Relief Act of 1997 ("TRA '97"), the Internal Revenue Service Reform and Restructuring Act of 1997 ("RRA '98"), and the Community Renewal Tax Relief Act of 2000 ("CRA)).

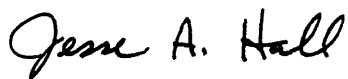
The IRS letter does not address law changes made by the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") or the Job Creation and Workers Assistance Act of 2002 since the IRS has not opened the determination letter process up for those changes and may not do so until as late as 2005. Nevertheless, as required by EGTRRA, the Plan has been amended in good faith for the EGTRAA

The Honorable Mayor and Members of Council  
July 7, 2003  
Page 2

changes required by June 30, 2003. These provisions were included in the 2002 restatement.

This letter is intended for informational purposes only and does not require any action from City Council. Please let me know if you would like additional information or have any questions regarding this matter.

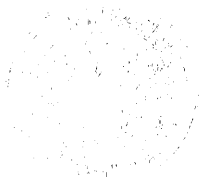
Sincerely,

A handwritten signature in cursive script that reads "Jesse A. Hall".

Jesse A. Hall  
Director of Finance

JAH:ca

c     Darlene L. Burcham, City Manager  
      Mary F. Parker, City Clerk  
      William M. Hackworth, City Attorney



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

The Honorable Mayor  
and Members of City Council  
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Elizabeth Doughty, President of Roanoke Regional Chamber of Commerce, in which she will be presenting information regarding airfare at the regular meeting of City Council on Monday, July 7, 2003.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
Director of Finance  
City Clerk



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Courthouse Security Fee  
Assessment

Background:

Effective July 1, 2002, current City Code Section 1-21 was enabled by state legislation, Section 53.1-120, to allow the City of Roanoke to assess a sum not to exceed \$5 as part of the costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance. Originally, the state legislation contained a July 1, 2004 sunset provision on the \$5 fee. This sunset provision is included in the current City code. State legislation, effective July 1, 2003, amends Section 53.1-120 of the State Code to remove the July 1, 2004 sunset provision on this \$5 fee.

Honorable Mayor and Members of Council  
July 7, 2003  
Page 2

Recommended Action:

Approve the attached ordinance amending the City Code to reflect the elimination of the sunset provision on the \$5 fee assessed on cases for courthouse security.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:rbf

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Barry L. Key, Director of Management and Budget

CM03-00120

WMT  

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Chapter 1, General Administration, of the Code of the City of Roanoke (1979), as amended, by amending §1-21, Courtroom security assessment, by deleting the sunset provision in §1-21, which section provides, pursuant to §53.1-120, Code of Virginia (1950), as amended, for assessment by the City of a fee to provide funding of courthouse security personnel; providing for an effective date; and dispensing with the second reading of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Chapter 1, General Administration, of the Code of the City of Roanoke (1979), as amended, is hereby amended by eliminating the sunset provision contained in §1-21, Courtroom security assessment, which section shall read and provide as follows:

§1-21. Courtroom security assessment.

As authorized by Section 53.1-120, Code of Virginia (1950), as amended, effective July 1, 2002, the clerks of the city's district and circuit courts, respectively, shall assess and collect the sum of \$5.00 as part of the costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance. Such sums shall be collected by the clerk of the court in which the case is heard, remitted to the city treasurer, and be held by the treasurer subject to appropriation by city council to the sheriff's office for the funding of courthouse security personnel. ~~The provisions of this section shall expire on July 1, 2004.~~



2. Pursuant to §12 of the Roanoke City Charter, the second reading by title paragraph of this ordinance is hereby dispensed with.

3. This ordinance shall be in full force on and after July 1, 2003.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice-Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Fifth Planning District  
Regional Alliance

### Background:

The Fifth Planning District Regional Alliance is an organization formed in 1997 to promote the economic competitiveness of this region of Virginia. Established through the passage of the Virginia Regional Competitiveness Act in 1996, the Regional Competitiveness Program enhances economic competitiveness for qualifying regions of the Commonwealth. The program is designed to reward existing regional actions and to stimulate new regional activities. Incentive funds established for this purpose are available to localities that carry out new levels of regional economic development and meet established requirements.

The Fifth Planning District Regional Alliance is composed of government, business and educational leaders from throughout the region. The Alliance serves the counties of Alleghany, Botetourt, Craig, Franklin and Roanoke; the cities of Covington, Roanoke and Salem; and the towns of Vinton and Clifton Forge.

Staffing and administration for the Alliance is provided by the Roanoke Valley-Alleghany Regional Commission.

Considerations:

The Fifth Planning District Regional Alliance is making application to re-qualify as a regional competitiveness partnership under the Virginia Regional Competitiveness Act of 1996. Each participating government in the region must approve a resolution establishing its intent to continue participation in the Regional Alliance and approving the methodology for the distribution of incentive funds.

Recommended Action:

City Council approve the attached resolution establishing its intent to continue participation in the Regional Alliance and approving the methodology for the distribution of incentive funds.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" being more prominent than the last name "Burcham".

Darlene L. Burcham  
City Manager

DLB:blk

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance

CM03-00133

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION in support of participation in the Fifth Planning District Regional Alliance and support for the distribution mechanism of Regional Competitiveness funds.

WHEREAS, the Fifth Planning District Regional Alliance was created in 1997 by local governments to promote increased levels of inter-jurisdictional cooperation in order to improve the region's economic competitiveness;

WHEREAS, the City of Roanoke is currently a participating member government of the Fifth Planning District Regional Alliance;

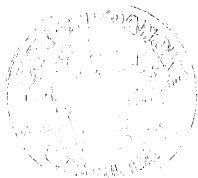
WHEREAS, the Regional Alliance is making application to requalify as a regional competitiveness partnership under the 1996 Regional Competitiveness Act (RCA); and

WHEREAS, the Regional Competitiveness Act required that each participating local government with the region must approve by resolution: (1) its intent to continue participating in the Regional Alliance and (2) a methodology for the distribution of incentive funds under the RCA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke agrees to participate in the Fifth Planning District Regional Alliance with other local governments in the region; and furthermore, approves the allocation of any Regional Competitiveness funds to be paid to the Fifth Planning District Regional Alliance to be used to help implement the regional programs and projects as presented in the Regional Economic Strategy adopted by the Alliance in July, 2002.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
 215 Church Avenue, S.W., Room 364  
 Roanoke, Virginia 24011-1591  
 Telephone: (540) 853-2333  
 Fax: (540) 853-1138  
 CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acquisition of Property  
 120 Commonwealth Ave., NE

City staff believes that the property located at 120 Commonwealth Avenue, N.E., which is a highly visible location, is appropriate for use as a gateway to downtown. The Roanoke Redevelopment and Housing Authority (RRHA) has reached an agreement with the owners to purchase the property on the City's behalf.

Funding in the amount of \$130,000 for the consideration and related expenses is available in Residual Equity Transfer (001-3337) resulting from the previous discontinuation of the Management Services Fund and may be appropriated to a new account entitled "120 Commonwealth Avenue" to be used for the purchase of the property.

Recommended Action:

Authorize the City Manager to purchase the property identified by tax nos. 3012825, 3012826, and 3012827 subject to a satisfactory environmental site inspection.

Appropriate funding from fund balance account 001-3337 to an account to be established by the Director of Finance in the Capital Projects Fund entitled "120 Commonwealth Avenue".

Respectfully submitted,

Darlene L. Burcham  
 City Manager

DLB/sef

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Sarah E. Fitton, Engineering Coordinator

#CM03-00137

23

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General and Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 General and Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**General Fund**

**Appropriations**

Nondepartmental	\$ 73,865,777
Transfer to Capital Projects Fund (1).....	1,111,102

**Fund Balance**

Residual Equity Transfer (2).....	\$ 29,801
-----------------------------------	-----------

**Capital Projects Fund**

**Appropriations**

Community Development	\$ 6,854,402
120 Commonwealth Avenue (3).....	130,000

**Revenues**

Nonoperating	\$ 1,111,102
Transfer from General Fund (4).....	1,111,102

- 1) Transfer to Capital Projects Fund (001-250-9310-9508) \$ 130,000
- 2) Residual Equity Transfer (001-3337) ( 130,000)

3) Appropriated from		
General Revenue	(008-530-9816-9003)	\$ 130,000
4) Transfer from		
General Fund	(008-110-1234-1037)	130,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE providing for the acquisition of property located at 120 Commonwealth Avenue, N.E., and identified by Roanoke City Tax Map Nos. 3012825, 3012826 and 3012827, authorizing the proper City officials to execute and attest any necessary documents for this acquisition; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. To provide for use as a gateway to downtown, the City wants and needs fee simple title to property located at 120 Commonwealth Avenue, N.E., and identified by Roanoke City Tax Map Nos. 3012825, 3012826 and 3012827, as more specifically set forth in the City Manager's letter to Council dated July 7, 2003 and attachment thereto. The proper City officials are authorized to execute and attest the necessary documents, in form approved by the City Attorney, to acquire for the City from the respective owner the fee simple title to the parcels, for a consideration not to exceed \$130,000.00.

2. The City's purchase of the property bearing Official Tax Nos. 3012825, 3012826 and 3012827, is subject to the City being able to obtain a satisfactory environmental assessment of the property and an acceptable title report.

3. Upon delivery to the City of a deed, approved as to form and execution by the City Attorney, the Director of Finance is directed to pay the consideration to the owner,

certified by the City Attorney to be entitled to the same.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Extension of 2002-2003 CDBG and  
HOME Agreement with the Roanoke  
Redevelopment and Housing  
Authority (RRHA)

### Background:

Historically, the RRHA has conducted a variety of housing programs using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds provided by the City. On October 15, 2002, by Resolution No. 36096-101502, City Council authorized the execution of a CDBG- and HOME-funded agreement with the RRHA to provide financial assistance for the rehabilitation of owner-occupied and rental housing as part of the *Southeast . . . By Design* project and for continuing activities under the RRHA's *Washington Park Housing Enhancement* program, which supports its *Lincoln 2000* project.

In its *Southeast . . . By Design* efforts, the RRHA provides limited emergency and critical repairs through the *Quick Response to Emergencies* and *Critical Assistance Repairs for the Elderly* (CARE) programs. For major rehabilitation needs, the RRHA offers substantial loans to homeowners through its *Consolidated Loan Program*. The *Washington Park Housing Enhancement* program has been active over the course of the *Lincoln 2000* project and offers major rehabilitation loans to homeowners, as well as development of housing for sale to homebuyers.

### Considerations:

On May 12, 2003, by Resolution No. 36326-051203, City Council authorized additional funding for the RRHA's *Southeast . . . By Design* and *Washington Park* housing activities by approving the City's 2003-2004 Consolidated Plan Annual Update for submission to the U.S. Department

The Honorable Mayor and Members of Council  
July 7, 2003  
Page 2

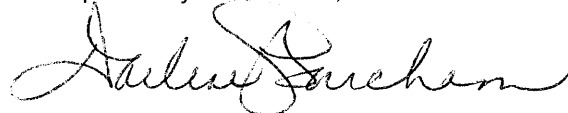
of Housing and Urban Development (HUD). City Council accepted the 2003-2004 CDBG and HOME funds on June 16, 2003, by Budget Ordinance No. 36377-061603 and Resolution No. 36378-061603, pending receipt of HUD's grant approvals.

In order for the RRHA to conduct the housing activities approved in the Consolidated Plan, Council's action is needed. Because the *Southeast . . . By Design* and *Washington Park* activities are ongoing projects, it is more efficient financially and programmatically to increase the funding and extend the existing agreement than to create a new agreement. Necessary CDBG and HOME funding is available in the accounts listed in Attachment A of the Amendment, a draft of which is included with this report. The extended agreement will be valued at \$2,079,662, which includes the original funding of \$1,051,162, along with the \$870,000 in new funds provided for in the 2003-2004 Consolidated Plan and \$158,500 in Washington Park funding unexpended from the 2001-2002 agreement. Of the total \$2,079,662 funding, \$439,112 will have been expended by June 30, 2003, leaving \$1,640,550 available for activities during the 2003-2004 period. In addition, the RRHA is also expected to leverage as much as \$750,000 in private rehabilitation financing through its line-of-credit with SunTrust Mortgage.

Recommended Action:

Authorize the City Manager to execute an amendment to the 2002-2003 CDBG/HOME Agreement with the RRHA, similar in form and content to the draft attached to this report, and approved as to form by the City Attorney.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:feb

Attachments

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Frank E. Baratta, Budget Team Leader

CM03-00138

# AMENDMENT No. 1

This Amendment No. 1 is made and entered into this first day of July 2003, by and between the City of Roanoke, Virginia, ("Grantee") and the City of Roanoke Redevelopment and Housing Authority ("Subgrantee").

## W I T N E S S E T H:

WHEREAS, by Resolution No. 36096-101502, Roanoke City Council approved the execution of a subgrant agreement between the Grantee and the Subgrantee; and

WHEREAS, by Resolution No. 36326-051203, City Council approved the submission of the City's 2003-2004 Consolidated Plan Annual Update to the U.S. Department of Housing and Urban Development (HUD), including additional funding for the Subgrantee's *Southeast . . . By Design* and *Washington Park* activities;

NOW, THEREFORE, the parties hereto mutually agree to this Amendment No. 1, which extends the time of performance, increases the funding, and makes such other changes as are set forth below.

1. Part 1, "SCOPE OF SERVICES," subpart b., "Critical Assistance Repair for the Elderly (CARE) and Quick Response to Emergencies (Quick Response) Programs," shall be revised to read:

\* \* \* \* \*

Performance Factors: The Grantee has estimated from average cost data for the prior year of operations of these activities that, including units assisted from July 1, 2002, through June 30, 2003, as many as 45 units could be assisted with the funds made available under this Agreement. It shall be the goal of this activity that repairs to all units shall be complete as of June 30, 2004.

\* \* \* \* \*

2. Part 1, "SCOPE OF SERVICES," subpart c., "Southeast Pilot Project," shall be revised to read:

\* \* \* \* \*

Performance Factors: The Grantee has estimated from average owner-occupied rehabilitation cost data from the prior three years that, including units assisted from July 1, 2002, through June 30, 2003, as many as 14 units could be assisted with the funds made available under this Agreement. It shall be the goal of this activity that the rehabilitation of all units shall be complete as of June 30, 2004, and all units as may be offered for sale are sold by December 31, 2004.

\* \* \* \* \*

3. Part 1, "SCOPE OF SERVICES," subpart d., "Washington Park Housing Enhancement Program," shall be revised to read:

\* \* \* \* \*

Performance Factors: The Grantee has estimated from the most recent average cost data for this activity that, including units assisted through June 30, 2003, as many as 13 units could be assisted with the project funds made available under this Agreement. It shall be the goal of this activity that the rehabilitation and/or construction of all units shall be complete as of June 30, 2004, and all units as may be offered for sale are sold by December 31, 2004.

\* \* \* \* \*

4. Part 1, "SCOPE OF SERVICES," subpart h., "Period of this Agreement," shall be revised to read:

\* \* \* \* \*

- 1.h. Period of this Agreement -- This Agreement shall be effective as of July 1, 2002, and, unless amended, shall end December 31, 2004.

\* \* \* \* \*

5. Part 1, "SCOPE OF SERVICES," subpart i., "Budget," shall be revised to read:

\* \* \* \* \*

- 1.i. Budget – CDBG and HOME funds to be provided by the Grantee under this Agreement shall be as detailed in Attachment A. The Subgrantee shall not, without prior written approval from the Grantee, exceed the total funding allocated to an account nor the amount allocated to a category (i.e. "project"; "support"; "administration") within an account. Further, any amounts designated to support HOME activities shall be expended solely for this purpose. At the sole discretion of the Grantee, any funds remaining unexpended as of the end date of this Agreement may be deobligated from the Agreement and made available for other CDBG or HOME projects, as appropriate. The commitment of funds by the Grantee to this Agreement shall not be construed as a commitment by the Grantee to provide further funding to this project.

\* \* \* \* \*

6. Part 11, "OTHER PROGRAM/PROJECT REQUIREMENTS," subpart g., "Environmental standards," shall be revised to read:

\* \* \* \* \*

- 11.g. Environmental standards -- In accordance with 24 CFR 92.352 and 570.604, the activities under this Agreement are subject to environmental review requirements. Such requirements may include, but are not necessarily limited to, historic significance, floodplain, and hazardous sites. No CDBG or HOME funds may be expended prior to the Grantee's completion of the environmental review

and the Subgrantee's completion of any required remedial actions. All specifications for proposed housing rehabilitation under this Agreement will be submitted to the Grantee's Department of Management and Budget for review as to compliance with Section 106 of the National Historic Preservation Act. In addition, the Subgrantee shall ensure that an environmental checklist including all compliance categories specified by HUD and the Grantee for each property assisted is completed at the earliest feasible point in the acquisition, predevelopment or development stages, as applicable.

\* \* \* \* \*

7. Part 11, "OTHER PROGRAM/PROJECT REQUIREMENTS," subpart j., "Debarment and suspension," shall be revised to read:

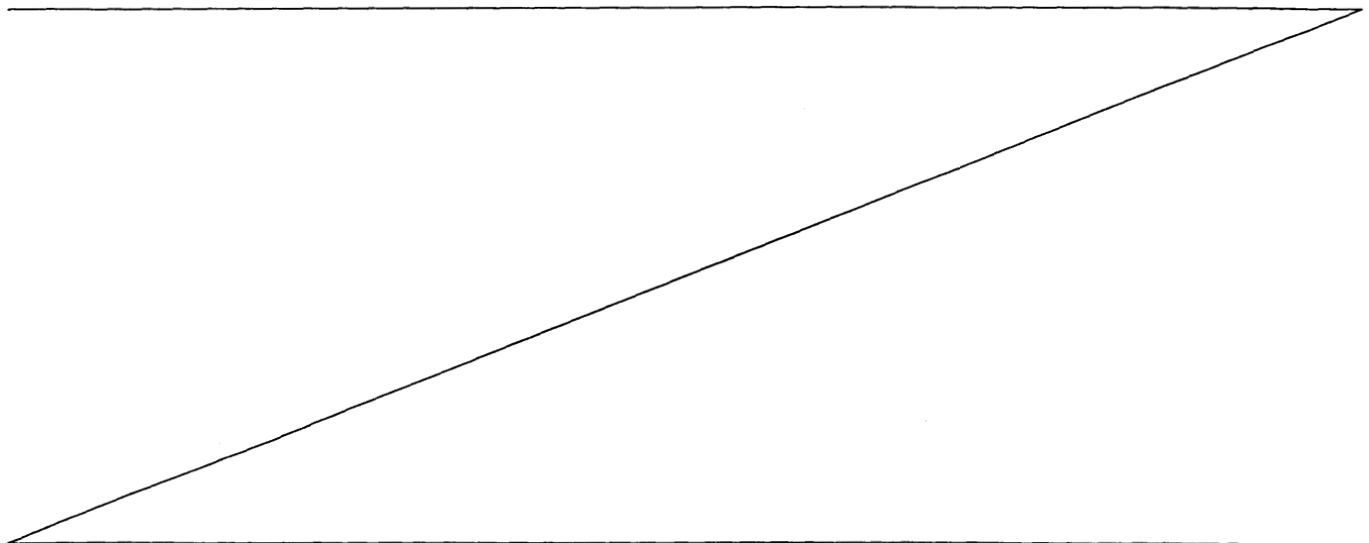
\* \* \* \* \*

- 11.j. Debarment and suspension -- In accordance with 24 CFR 24, the Subgrantee shall not employ or otherwise engage any debarred, suspended, or ineligible contractors or subcontractors to conduct any of the activities under this Agreement. The Subgrantee will consult appropriate references, including, but not limited to, the Excluded Parties Listing Service website at <http://epls.arnet.gov>, to ascertain the status of any third parties prior to engaging their services.

\* \* \* \* \*

8. CDBG and HOME funding made available by the Grantee under the Agreement shall be increased by \$1,028,500 to a total of \$2,079,662, as reflected in the revised Attachment A, "Financial Accounts," included with this Amendment No. 1.

The Agreement, dated July 1, 2002, shall remain unchanged in all other terms and provisions.



IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove written:

ATTEST:

FOR THE GRANTEE:

By \_\_\_\_\_  
Mary F. Parker, City Clerk

By \_\_\_\_\_  
Darlene L. Burcham, City Manager

ATTEST:

FOR THE SUBGRANTEE:

By \_\_\_\_\_  
Secretary of the Board

By \_\_\_\_\_  
John P. Baker, Executive Director

APPROVED AS TO CDBG/HOME ELIGIBILITY

APPROVED AS TO FORM

\_\_\_\_\_  
Department of Management and Budget

\_\_\_\_\_  
Assistant City Attorney

APPROVED AS TO EXECUTION

APPROPRIATION AND FUNDS REQUIRED  
FOR THIS CONTRACT CERTIFIED

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Director of Finance

Date \_\_\_\_\_

Account # \_\_\_\_\_ (See Attachment A)



**RRHA CDBG and HOME Agreement  
Financial Accounts – July 1, 2002, to December 31, 2004**

<b>Account #</b>	<b>Description</b>	<b>CDBG Project</b>	<b>CDBG Support</b>	<b>CDBG Admin</b>	<b>HOME Project</b>	<b>HOME Admin</b>	<b>Total</b>
035-G03-0320-5003	CARE/Quick Response	125,342					125,342
035-G03-0320-5374	CARE/Quick Response		35,000				35,000
035-G03-0320-5375	CARE/Quick Response			8,500			8,500
035-G04-0420-5003	CARE/Quick Response	125,000					125,000
035-G04-0420-5374	CARE/Quick Response		55,000				55,000
035-G04-0420-5375	CARE/Quick Response			15,000			15,000
	Subtotal	250,342	90,000	23,500			363,842
035-G03-0320-5369	Southeast Pilot Project	292,616					292,616
035-G03-0320-5376	Southeast Pilot Project		88,186				88,186
035-G03-0320-5377	Southeast Pilot Project-HOME		45,000				45,000
035-G03-0320-5378	Southeast Pilot Project			21,500			21,500
035-090-5310-5379	Southeast Pilot Project				180,018		180,018
035-090-5310-5380	Southeast Pilot Project					5,000	5,000
035-G04-0420-5369	Southeast Pilot Project	75,000					75,000
035-G04-0420-5376	Southeast Pilot Project		140,000				140,000
035-G04-0420-5377	Southeast Pilot Project			30,000			30,000
035-090-5311-5379	Southeast Pilot Project				210,000		210,000
035-090-5311-5380	Southeast Pilot Project					20,000	20,000
	Subtotal	367,616	273,186	51,500	390,018	25,000	1,107,320
035-090-5306-5283	Washington Park Housing				920		920
035-090-5308-5283	Washington Park Housing				100,275		100,275
035-090-5309-5283	Washington Park Housing				162,692		162,692
035-090-5309-5381	Washington Park Housing					25,000	25,000
035-090-5322-5283	Washington Park Housing				94,161		94,161
035-090-5323-5283	Washington Park Housing				25,452		25,452
035-090-5311-5283	Washington Park Housing				180,000		180,000
035-090-5311-5381	Washington Park Housing					20,000	20,000
	Subtotal	0	0	0	563,500	45,000	608,500
	<b>TOTAL CDBG/HOME</b>	<b>\$617,958</b>	<b>\$363,186</b>	<b>\$75,000</b>	<b>\$953,518</b>	<b>\$70,000</b>	<b>\$2,079,662</b>

Note: Accounts reflect budgeted amounts for the entire contract period. Actual funds available for disbursement on July 1, 2003, will be the budgeted amounts less disbursements made by the Grantee through June 30, 2003. Funds available on July 1, 2003, for commitment to units will be the project funds available for disbursement less any funds committed but not disbursed by the Grantee through June 30, 2003 .

02C

IN THE COUNCIL FOR THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the appropriate City officials to execute an Amendment to the 2002-2003 Agreement with the Roanoke Redevelopment and Housing Authority and HOME Investment Partnership Program to conduct housing activities using Community Development Block Grant and HOME Investment Partnerships Program funds, upon certain terms and conditions.

WHEREAS, Resolution No. 36096, adopted October 15, 2002, authorized the appropriate City Officials to enter into the 2002-2003 Agreement with the Roanoke Redevelopment and Housing Authority ("RRHA") and HOME Investment Partnership Program ("HOME") to conduct housing activities using Community Development Block Grant and HOME investment Partnerships Program funds;

WHEREAS, in order for RRHA to conduct the housing activities approved in the Consolidated Plan, City Council action is needed; and

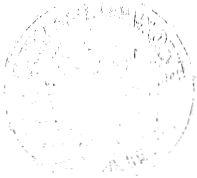
WHEREAS, because this project is ongoing, it is more efficient financially and programmatically to extend and increase the funding under the existing agreement than to create a new agreement.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the City Manager or Assistant City Manager, and the City Clerk, are hereby authorized to

execute and attest, respectively, on behalf of the City, an Amendment to the 2002-2003 agreement with the RRHA/HOME, approved as to form by the City Attorney, within the limits of funds and for the purposes as are more particularly set forth in the City Manager's letter dated July 7, 2003, to this Council.

ATTEST:

City Clerk.



**CITY OF ROANOKE  
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Extension of 2002-2003 CDBG  
and HOME Agreement with the  
Blue Ridge Housing Development  
Corporation (BRHDC)

Background:

Since 1996, the BRHDC has successfully conducted several housing programs for the City using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds. On October 15, 2002, by Resolution No. 36095-101502, City Council authorized the execution of a CDBG- and HOME-funded agreement with BRHDC to develop housing for new homeownership as part of the *Southeast . . . By Design* project. Since that time, BRHDC has been acquiring properties for rehabilitation or new construction. In addition, BRHDC has been working with its architects and with Virginia Tech to prepare attractive, compatible and affordable housing designs. Environmental reviews have been completed on the properties acquired and construction bid processes have begun. The actual construction work is expected to extend through June 2004, with up to an additional six months needed thereafter to complete the sale of all the homes.

Considerations:

On May 12, 2003, by Resolution No. 36326-051203, City Council authorized additional funding for BRHDC's *Southeast . . . By Design* activities by approving the submission of the City's 2003-2004 Consolidated Plan Annual Update to the U.S. Department of Housing and

The Honorable Mayor and Members of Council  
July 7, 2003  
Page 2

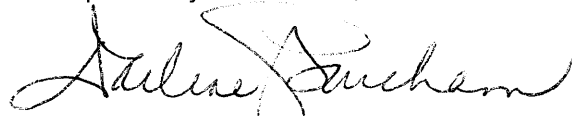
Urban Development (HUD). City Council accepted the 2003-2004 CDBG and HOME funds on June 16, 2003, by Budget Ordinance No. 36377-061603 and Resolution No. 36378-061603, pending receipt of the grant approvals from HUD.

In order for BRHDC to conduct the housing activities approved in the Consolidated Plan, Council's action is needed. Because this is an ongoing project, it is more efficient financially and programmatically to extend and increase the funding under the existing agreement than to create a new agreement. Necessary CDBG and HOME funding is available in the accounts listed in Attachment A of the Amendment, a draft of which is included with this report. The original agreement was funded at \$698,432, of which \$231,000 has been expended through June 30, 2003. By extending the agreement, the balance of \$467,000 will continue to be available for completing acquisitions and other predevelopment and development costs. As specified in the plan submitted to HUD, a total of \$602,265 in new CDBG and HOME funding is to be provided. This will increase the overall funding provided under the agreement to \$1,300,697. In addition, BRHDC is expected to contribute over \$530,000 through its line-of-credit and construction loans.

Recommended Action:

Authorize the City Manager to execute Amendment No. 1 to the 2002-2003 CDBG/HOME Agreement with the BRHDC, similar in form and content to the draft attached to this report, and approved as to form by the City Attorney.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:feb

Attachments

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Frank E. Baratta, Budget Team Leader

CM03-00139

## IN THE COUNCIL FOR THE CITY OF ROANOKE, VIRGINIA,

5/1  
6/30/03

A RESOLUTION authorizing the appropriate City officials to execute Amendment No. 1 to the 2002-2003 Agreement with the Blue Ridge Housing Development Corporation to conduct housing activities using Community Development Block Grant and HOME Investment Partnerships Program funds, upon certain terms and conditions.

WHEREAS, by Resolution No. 36095, adopted October 15, 2002, authorized the appropriate City Officials to enter into the 2002-2003 Agreement with the Blue Ridge Housing Development Corporation ("BRHDC") to conduct housing activities using Community Development Block Grant and HOME investment Partnerships Program funds;

WHEREAS, in order for BRHDC to conduct the housing activities approved in the Consolidated Plan, City Council action is needed; and

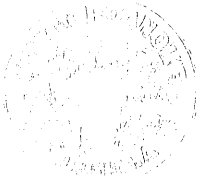
WHEREAS, because this project is ongoing, it is more efficient financially and programmatically to extend and increase the funding under the existing agreement than to create a new agreement.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the City Manager or Assistant City Manager, and the City Clerk, are hereby authorized to execute and attest, respectively, on behalf of the City, Amendment No. 1 to the 2002-2003 agreement with the BRHDC, approved as to form by the City Attorney, within the limits of

funds and for the purposes as are more particularly set forth in the City Manager's letter dated July 7, 2003, to this Council.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice-Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance and Appropriation of  
Byrne Grant Funds and Authority  
to Execute Subgrant Agreement  
with Virginia CARES, Inc.

**Background:**

The Virginia Community Action Re-entry System, Inc., (Virginia CARES) is a nonprofit organization with its home office in the city of Roanoke and extensive experience in offender services. Funding for the nonprofit has been provided through June 30, 2003, by the Byrne Memorial Formula Grant Program (Byrne Grant), administered in Virginia by the Department of Criminal Justice Services (DCJS). The grant may be awarded only to a locality and requires a 25 percent cash match. The locality must then contract with Virginia CARES to conduct offender services.

In January 2003, the City agreed to serve as the Grantee and fiscal agent for the Byrne Grant, and the City Manager signed, on behalf of the City, the Virginia CARES Byrne Grant application. The application was successful and the City currently contracts with Virginia CARES to provide pre- and post-incarceration services to offenders to assist their reintegration into the community. Virginia CARES and its subcontracting agencies are responsible for providing all required matching funds.

On May 8, 2003, the City Manager signed an application submitted by Virginia CARES for \$570,519 in Byrne Grant funding to continue the program from July 1, 2003, through



June 30, 2004. Virginia CARES and its subcontracting agencies remain responsible for securing the \$190,173 in required matching funds. A letter notifying the City of the grant approval was received from DCJS on June 19, 2003.

Considerations:

Under the new contract, a draft of which is attached to this report, the City will continue to act as fiscal agent and project administrator. Virginia CARES and its subcontractors will continue to perform all day-to-day operational activities, such as service delivery, payroll functions and vendor payments.

Contract procedures will provide that Byrne Grant funds disbursed to Virginia CARES cannot exceed three (3) times the amount of match expended, in principle avoiding City liability for match shortfalls. However, through its involvement with this grant, the City will be assuming a level of risk with respect to the actuality of disbursed funds being expended and the allowability of those expenditures. Because Virginia CARES operates through a statewide network of 12 offices, it would not be feasible for the City to obtain all source documents for expenditures when disbursing grant funds. As such, limited reviews of expenditure source documents for allowability and proper support of expenditures can be made by the program manager and staff of the Department of Finance at interim points during the period of the Agreement, prior to the program audit.

Recommended Action:

1. Authorize the City Manager to sign, on behalf of the City, the necessary forms to accept the DCJS Byrne Grant funds;
2. Appropriate \$570,519 in Byrne Grant funds and establish a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund; and
3. Authorize the City Manager to execute a subgrant agreement with Virginia CARES, Inc., similar in form and content to the attached draft, approved as to form by the City Attorney.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene Burcham".

Darlene L. Burcham  
City Manager

The Honorable Mayor and Members of Council  
July 7, 2003  
Page 3

DLB:feb

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Barry L. Key, Director of Management & Budget  
Frank E. Baratta, Budget Team Leader

CM03-00140

# AGREEMENT

This Agreement is made and entered into this first day of July 2003, in the City of Roanoke, by and between the following parties:

The Grantee	City of Roanoke, Virginia 215 Church Avenue, S.W. Roanoke, Virginia 24011
The Subgrantee	Virginia Community Action Re-Entry System, Inc. ("Virginia CARES") 145 Campbell Avenue, S.W., Suite 555 Roanoke, Virginia 24011

## WITNESSETH:

WHEREAS, by Resolution No. \_\_\_\_-070703 the Roanoke City Council authorized the City Manager to accept the \$570,519 Byrne Grant award from the Virginia Department of Criminal Justice Services ("DCJS") and approved the execution of a subgrant agreement between the Grantee and the Subgrantee, and by Ordinance No. \_\_\_\_-070703 appropriated funds therefor;

NOW, THEREFORE, the parties hereto mutually agree as follows:

### 1. PURPOSE:

This Agreement shall implement the activities, services, performance objectives, and terms and conditions of the Project Description ("Project Description"), the Byrne Grant application ("Application"), submitted May 2, 2003, and the DCJS Statement of Grant Award ("Grant Award"), dated \_\_\_\_, 2003, which are incorporated hereinto by reference and which shall be binding upon the Grantee and the Subgrantee and its subcontractors. All changes, amendments or revisions to these documents shall likewise be incorporated hereinto by reference and shall be binding upon the Grantee and the Subgrantee and its subcontractors.

### 2. STATEMENT OF RESPONSIBILITIES:

a. General – Pursuant to the purpose stated in section 1, the Grantee and the Subgrantee shall undertake a program, known as "Virginia CARES," of pre-release and post-incarceration services for offenders through a network of subcontractors encompassing a service area of some forty-four cities and counties within the Commonwealth of Virginia. These services shall ease and assist the re-integration of such individuals into these communities and into productive, law-abiding lifestyles.

b. Responsibilities of the Grantee -- During the period of this Agreement, defined in section 3, the Grantee shall:

(1) Act as the fiscal agent for the Virginia CARES program, including:

- (a) Approving and submitting draw requests to DCJS, based, as applicable, on the timely and satisfactory documentation provided by the Subgrantee;
  - (b) Disbursing funds to the Subgrantee, according to procedures stated in section 5;
  - (c) Maintaining records of such transactions in sufficient detail as may be needed for DCJS reviews, audits or other similar purposes.
- (2) Act as project administrator for the Virginia CARES program, including:
  - (a) Compiling and submitting financial and programmatic reports as are required by the DCJS grant award, including reviewing and approving such reports as prepared by the Subgrantee pursuant to section 2.c. below; and
  - (b) Providing general programmatic and administrative guidance and other nonfinancial support to the Subgrantee;
- c. Responsibilities of the Subgrantee -- During the period of this Agreement, defined in section 3, the Subgrantee shall:
  - (1) Maintain home office staffing and subcontractor assistance sufficient to ensure satisfactory performance under this Agreement and compliance with DCJS terms, conditions and performance expectations;
  - (2) Perform all day-to-day program operations, including, but not limited to:
    - (a) Delivery, through subcontractors or home office staff, of all client services;
    - (b) Administration of home office personnel functions such as payroll and records management;
    - (c) Development and administration of subcontractor agreements, including review, approval and payment of subcontractor and other vendor invoices, allowable under and consistent with the Project Description, Application, and Award;
    - (d) Monitoring and oversight of subcontractors activities and overall achievement of programmatic and financial performance objectives, including applying timely and appropriate measures to remedy underperformance; and
    - (e) All other activities associated with the day-to-day operations of the Virginia CARES program, as described in the Project Description, Application, and Award.
  - (3) Maintain regular communications with the Grantee's Project Manager, identified in section 19 below, regarding the activities and progress of the Virginia CARES program, including circumstances which both positively or adversely affect the Subgrantee's, and thereby, the Grantee's, ability to satisfy the terms and conditions of the Project Description, Application and Award.
  - (4) Ensure that all provisions of this Agreement and those of the Project Description, Application and Award are incorporated into all subcontracts pursuant to the Virginia CARES program to which the Subgrantee is a party. The Subgrantee shall provide

the Grantee a copy of each subcontractor agreement, and any amendments thereto.

- (5) Prepare and submit to the Grantee quarterly progress and financial reports and final close-out documents complying with DCJS requirements, as further described in section 7 below.

3. **PERIOD OF THE AGREEMENT:**

Unless amended, this Agreement shall begin July 1, 2003, and end June 30, 2004.

4. **BUDGET:**

The total Virginia CARES program budget under this Agreement shall be \$760,692. This amount shall be composed of up to \$570,519 in Byrne Grant funds to be made available by the Grantee and \$190,173 in cash matching funds contributed by the Subgrantee's subcontractors and home office. The Grantee shall not be liable for any match shortfall. The Subgrantee's specific line item authority shall be as authorized under the Application and Award.

5. **DISBURSEMENT PROCEDURES:**

- a. Disbursements – As soon as practicable following its July 2003 closing, and, thereafter, not more frequently than monthly, the Subgrantee shall submit to the Grantee's Project Manager a disbursement and reconciliation request. Such request shall be in a format and provide documentation satisfactory to the Grantee to identify expenditures for the preceding period and estimate expenditures for the current period, which may be one or more months. At no time shall the amount of grant funds disbursed exceed three (3) times the amount of match expended. Within ten (10) calendar days of the receipt of a properly documented request, the Grantee shall disburse any grant funds requested by and due to the Subgrantee. Proper documentation for a request shall include the timely receipt of monthly and quarterly reports, as described in section 7 below.
- b. Match Adjustment – Because of the necessity for the Subgrantee and its subcontractors to satisfy the match liability prior to receiving a disbursement of grant funds, in the event of an underexpenditure of grant funds, it is possible that the amount of match expended may exceed the 25% DCJS requirement. Any grant disbursement adjustments needed to reimburse overages of necessary match expenditures shall be requested by the Subgrantee only as part of the final reconciliation and close-out.
- c. Final Reconciliation – Within ten (10) calendar days after the date of expiration of this Agreement, as defined in section 3, the Subgrantee shall make payment on all outstanding, allowable costs incurred during the period of this Agreement. Within sixty (60) calendar days after the date of expiration of this Agreement, the Subgrantee shall submit to the Grantee a final reconciliation of all Byrne Grant funds remaining on hand, and shall remit to the Grantee the full amount of any such remaining Byrne Grant funds.

6. **AUDIT:**

The Subgrantee shall provide for an independent audit to be made of the expenditures under this Agreement and shall submit two (2) copies of the completed audit to the Grantee.

7. **RECORDS AND REPORTS:**

- a. Records -- The Subgrantee and its subcontractors shall maintain full and accurate records with respect to all matters covered under this Agreement. Documentation shall be at a level of detail sufficient to allow for monitoring reviews and audit. All records pertaining to this Agreement, and the services performed pursuant to it, shall be retained for the applicable period required by DCJS after the expiration date of this Agreement. Appropriate Grantee and/or DCJS personnel shall have free access during normal business hours to those records, including those maintained by the Subgrantee's subcontractors, for the period of this Agreement and the subsequent DCJS-required retention period. The Subgrantee and its subcontractors shall provide copies of expenditure source documents as requested by the Grantee for the purpose of conducting reviews. In the event that the Subgrantee discontinues operations following the expiration of this Agreement, it shall transfer to the Grantee all home office records pertaining to the Agreement and shall require that subcontractor records are retained by subcontractors until audited or until the expiration of the retention period required by DCJS, whichever is later.
- b. Monthly Reports – By the 20<sup>th</sup> of each month, the Subgrantee shall submit to the Grantee's Project Manager a report of the progress of the program. The format and content of the report shall be as provided in Attachment A of this Agreement or as mutually agreed to by the Grantee and Subgrantee.
- c. Quarterly Reports – By the 20<sup>th</sup> calendar day following the end of each calendar quarter, the Subgrantee shall submit to the Grantee for approval the quarterly progress and financial reports required by DCJS and necessary supporting documentation. Upon approval, the Grantee shall submit the required original and copy of the progress report to DCJS and shall enter the financial report on the DCJS Grants Management Online Information System.
- d. Final Reports and Grant Close-Out Documents – The Subgrantee shall prepare and submit to the Grantee the final reports and documents to close-out the Byrne Grant in accordance with section 5.c. above and DCJS timeframes and procedures.

8. **INDEMNIFICATION:**

The Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep and hold the Grantee and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any negligent or willful act or omission of the Subgrantee including: (a) the performance under this Agreement; (b) the exercise of any right or privilege granted by or under this Agreement; or (c) the failure, refusal or neglect of the Subgrantee to perform any duty imposed upon or assumed by the Subgrantee

by or under this Agreement. In the event that any suit or proceeding shall be brought against the Grantee or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with the Subgrantee on account of an alleged negligent or willful act or omission by the Subgrantee, in whole or in part, the Subgrantee upon notice given to it by the Grantee or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the Grantee or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgement being awarded against the Grantee or any of its officers, employees, agents, volunteers or representatives, as a result of an alleged negligent or willful act or omission by the Subgrantee, in whole or in part, either independently or jointly with the Subgrantee then the Subgrantee will pay such settlement or judgement in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the Grantee or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

9. **EQUAL EMPLOYMENT OPPORTUNITY:**

Non-Discrimination: During the performance of this Agreement, the Subgrantee agrees as follows:

- a. The Subgrantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Subgrantee. The Subgrantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- b. The Subgrantee, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, will state that such Subgrantee is an equal opportunity employer.
- c. Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- d. The Subgrantee will include the provisions of the foregoing subsections (a), (b) and (c) in every contract or purchase order of over ten thousand dollars and no cents (\$10,000.00) so that the provisions will be binding upon each contractor or vendor.

10. **DRUG-FREE WORKPLACE:**

The Subgrantee will: (i) provide a drug-free workplace for the Subgrantee's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and (iv) include the

provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars and no cents (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this subsection, "drug-free workplace" means a site for the performance of work done in connection with this contract.

11. **FAITH-BASED ORGANIZATIONS:**

Pursuant to §2.2-4343.1 of the Code of Virginia (1950), as amended, the City of Roanoke does not discriminate against faith-based organizations.

12. **CONFLICT OF INTEREST:**

No employee, agent, consultant, officer or appointed official of the Subgrantee, who is in a position to participate in a decision-making process or gain inside information with regard to any activity under this Agreement, may obtain a personal or financial interest in any contract, subcontract or agreement with respect thereto, or in the proceeds thereunder, either for themselves, their family or business associates, during their tenure or for one (1) year thereafter.

13. **SUSPENSION AND TERMINATION:**

In the event the Subgrantee materially fails to comply with any term or condition of the Agreement, or the Byrne Grant application or award, the Grantee may suspend or terminate, in whole or in part, this Agreement or take such other remedial action as it deems appropriate.

Byrne Grant funds to be made available by the Grantee under this Agreement are contingent upon the award by DCJS. In the event that DCJS should rescind or otherwise withdraw grant funds, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

14. **THIRD-PARTY CONTRACTS:**

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee. Further, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided, the Subgrantee shall remain fully obligated under the provisions of this Agreement. Any third party shall comply with all applicable requirements of this Agreement, and the Subgrantee shall incorporate the terms of this Agreement into each agreement it has with its subcontractors.

15. **ENTIRE AGREEMENT:**

This Agreement, including all of its Exhibits, represents the entire agreement between the parties and this Agreement shall not be modified, amended, altered or changed, except as set forth in section 16 below.



16. **AMENDMENTS:**

This Agreement, including any attachments, may be amended only through the mutual written consent of the parties hereto, subject to the terms and conditions of the DCJS Byrne Grant award to the Grantee.

17. **INDEPENDENT CONTRACTOR:**

Services under this Agreement shall be performed on an independent contractor basis and under no circumstances shall this Agreement be construed as establishing an employee/employer relationship. The Subgrantee shall be completely responsible for its activities in performing services hereunder

18. **GOVERNING LAW AND VENUE:**

By virtue of entering into this Agreement, the Subgrantee submits itself to a court of competent jurisdiction in the City of Roanoke, Virginia, and further agrees that this Agreement is controlled by the laws of the Commonwealth of Virginia and that all claims, disputes, and other matters shall only be decided by such court according to the laws of the Commonwealth of Virginia.

19. **NOTICES:**

All notices, waivers, demands, requests or other communications required or permitted hereunder shall, unless otherwise expressly provided, be in writing and be deemed to have been properly given, served and received (i) if delivered by messenger, when delivered, (ii) if mailed, on the third business day after deposit in the United States, certified or registered, postage prepaid, return receipt requested, or (iii) if delivered by reputable overnight express courier, freight prepaid, the next business day after delivery to such courier; in every case addressed to the party to be notified as follows:

The Grantee: Darlene L. Burcham, City Manager, City of Roanoke, Virginia,  
215 Church Avenue, SW, Room 364, Roanoke, VA 24011

A copy of all such notices shall be provided to the Grantee's  
Project Manager: Vickie L. Price, Acting Director of Human and  
Social Services, City of Roanoke, Virginia, 215 Church Avenue,  
SW, Room 307, Roanoke, VA 24011, or her designee.

The Subgrantee: Cynthia A. Martin, Executive Director, Virginia CARES, 145  
Campbell Avenue, SW, Suite 555, Roanoke, Virginia 24011

Rejection or refusal to accept, or inability to deliver because of changed address or because no notice of changed address was given, shall be deemed receipt.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove written:

ATTEST:

FOR THE GRANTEE:

By \_\_\_\_\_  
Mary F. Parker, City Clerk

By \_\_\_\_\_  
Darlene L. Burcham, City Manager

ATTEST:

FOR THE SUBGRANTEE:

By \_\_\_\_\_

By \_\_\_\_\_  
Cynthia Martin, Executive Director

APPROVED AS TO FORM

APPROPRIATION AND FUNDS REQUIRED  
FOR THIS CONTRACT CERTIFIED

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Director of Finance

Date \_\_\_\_\_

Acct. No. 035- - - (\$570,519)

APPROVED AS TO EXECUTION

\_\_\_\_\_  
Assistant City Attorney

# **Monthly Report Format**

**(Pages 10 and 11)**

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Health and Welfare	\$	5,105,803
VA Cares FY04 (1) .....		570,519

**Revenues**

Health and Welfare	\$	5,105,803
VA Cares FY04 (2) .....		570,519

1) Fees for Professional Services	(035-630-8081-2010)	\$ 570,519
2) State Grant Receipts	(035-630-8081-8081)	570,519

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

ST  
6/30/03

A RESOLUTION accepting a grant of funds from the Byrne Memorial Formula Grant Program, administered by the Virginia Department of Criminal Justice Services, authorizing the City Manager to execute the requisite documents for such grant, authorizing the City Manager to execute a subgrant agreement with the Virginia Community Action Re-entry System, Inc. ("Virginia CARES"), upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The grant of funds from the Byrne Memorial Formula Grant Program is hereby ACCEPTED.

2. The City Manager is authorized to execute, and the City Clerk is authorized to attest, the requisite Bryne Memorial Formula Grant documents with the Virginia Community Action Re-entry System, Inc., for such funds, in form as is approved by the City Attorney, as more particularly set out in the City Manager's letter dated July 7, 2003, to this Council.

3. The City Manager is authorized to execute, and the City Clerk is authorized to attest, a subgrant agreement with the Virginia Community Action Re-entry System, Inc. ("Virginia CARES"), in such form as is approved by the City Attorney, as more particularly set out in the City Manager's letter dated July 7, 2003, to this Council.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
 215 Church Avenue, S.W., Room 364  
 Roanoke, Virginia 24011-1591  
 Telephone: (540) 853-2333  
 Fax: (540) 853-1138  
 CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Downtown Residential Parking

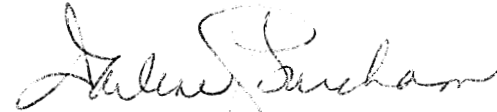
The City began issuing Residential Parking Permits for the Downtown Service District (DSD) on May 6, 2003. A total of 5 permits have been issued for the DSD since that time. The permit parking program was originally structured to allow residents of a permit area to obtain a permit after presenting their driver's license and vehicle registration both of which must show that they reside in the permit area. This required documentation currently excludes residents that may be occupying a property as a second home. The City Treasurer's office has received several requests for permits within the DSD from residents that occupy a DSD property as a second home. Due to the modest participation in the program thus far, and the desire to encourage people to choose the City of Roanoke (especially downtown) as a place of residence, it is recommended that the availability of permit parking be extended to those residents that occupy an eligible property as a second home. Therefore, a revision to the City Code is recommended to allow this expansion of the permit parking program.

### Recommended Action:

City Council adopt the attached ordinance amending Section 20-80 (b) of the City Code, Division 2, Residential Parking Permits, within Article IV, Stopping, Standing and Parking, of Chapter 20, Motor Vehicles and Traffic, to change the requirements pertaining to the documentation that must be presented to obtain a parking permit. The revised Code would allow other documentation such as utility bills to provide sufficient

proof that the applicant occupies a property as a second home. The City Treasurer administers the issuance of permits; therefore, the City Treasurer would determine the adequacy of the documentation presented by the applicant.

Sincerely,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB/KHK

C: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Robert K. Bengtson, P.E., Director of Public Works  
Kenneth H. King, Jr., Manager, Division of Transportation  
David C. Anderson, City Treasurer

#CM03-00141

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Section 20-80 of Division 2 Residential Parking Permits, of Article IV, Stopping, Standing and Parking, Chapter 20, Motor Vehicles and Traffic, Code of the City of Roanoke (1979), as amended, amending the City's residential parking permit system; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 20-80(b) of Division 2 Residential Parking Permits, of Article IV, Stopping, Standing and Parking, Chapter 20, Motor Vehicles and Traffic, Code of the City of Roanoke (1979), as amended, is amended to read and provide as follows:

Article IV. Stopping, Standing and Parking

DIVISION 2: RESIDENTIAL PARKING PERMITS

§20-80. Permits Generally

\* \* \*

- (b) An applicant for a permit shall present his or her motor vehicle registration(s) and operator's license indicating residence in the designated permit area *or shall provide other documentation to sufficiently prove the applicant's occupation of a property within the permit area as a second residence.* ~~No permit shall be issued if the residential address displayed on the vehicle registration(s) or the operator's license is other than in the designated area.~~

\* \* \*

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is dispensed with.

ATTEST

City Clerk.





## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Property Rights Acquisition for  
Roanoke Water Pollution  
Control Plant (WPCP) Wet  
Weather Project

### **Background:**

Council adopted Ordinance No. 36202-012103 providing for the acquisition of property rights needed for construction of the Roanoke Water Pollution Control Plant Wet Weather Project on January 21, 2003. To date, property acquisition has proceeded ahead of schedule and has generally been well received by the property owners and adjacent businesses. During the course of negotiations, City staff has become aware that one of the owners represented on the original property acquisition list has ownership of a connected parcel not currently considered for purchase. Initial indications from this owner indicate a preference that these parcels be sold together. The property in question is owned by Stacy Tree Service Inc., Tax Number 4340315. In reviewing this situation, City staff further believes that this parcel will likely have some benefit in the future road alignments related to the Plant expansion. Based upon this information, authorization is needed to move forward with procurement of title work, appraisals, and documents preparation related to acquisition of the necessary property rights for this property. Funding is available in account 003-510-8362-9050 for the addition of this property.

### **Recommended Action:**

Authorize the City Manager and City Attorney to take all steps necessary to acquire all property rights for the aforementioned property. Such property rights may be acquired by negotiation or eminent domain, and may include fee simple,

The Honorable Mayor and Members of Council  
Property Rights Acquisition for Roanoke Water Pollution Control Plant Wet  
Weather Project  
July 7, 2003  
Page 2

permanent easements, temporary construction easements, rights of way,  
licenses or permits, etc., subject to a satisfactory environmental site inspection.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB/mtm/sss

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
George C. Snead, Jr., Assistant City Manager for Operations  
Michael McEvoy, Director of Utilities

CM03-00143

OK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE providing for the acquisition of property identified as Official Tax No. 4340315, needed by the City from Stacy Tree Service, Inc., in connection with the construction of the Roanoke Water Pollution Control Plant ("WPCP") Wet Weather Project; setting a limit on the consideration to be offered by the City; providing for the City's acquisition of such property by condemnation, under certain circumstances; authorizing the City to make motion for the award of a right of entry on the parcel for the purpose of commencing the project; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. In connection with the construction of the Roanoke Water Pollution Control Plant ("WPCP") Wet Weather Project, the City wants and needs the property identified as Official Tax No. 4340315 from Stacy Tree Service, Inc., and upon the terms and conditions more specifically set forth in the City Manager's letter to this Council dated July 7, 2003. The proper City officials are authorized to acquire for the City from the respective owner such property, for the total consideration not to exceed \$50,000. All requisite documents shall be upon form approved by the City Attorney.

2. The City's purchase of the property bearing Official Tax No. 4340315 from Stacy Tree Service, Inc., is subject to the City being able to obtain a satisfactory environmental assessment of the property and an acceptable title report.

3. The City Manager is directed to offer on behalf of the City to Stacy Tree Service, Inc., such consideration not to exceed \$50,000. Upon the acceptance of any offer and upon delivery to the City of a deed, approved as to form and execution by the City Attorney, the Director of Finance is directed to pay the respective consideration to the owner of the interest conveyed, certified by the City Attorney to be entitled to the same.

4. Should the City be unable to agree with the owner of Official Tax No. 4340315 regarding the fair market value for the purchase of the real estate in fee simple which is required, the City Attorney is authorized and directed to institute condemnation or legal proceedings to acquire for the City such property.

5. In instituting or conducting any condemnation proceeding, the City Attorney is authorized to make motion on behalf of the City for entry of an order, pursuant to §25-46.8, Code of Virginia (1950), as amended, granting to the City a right of entry for the purpose of commencing the project. The Director of Finance, upon request of the City Attorney, shall be authorized and directed to draw and pay into court the sums offered to the respective owners.

6. Pursuant to §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**

## **OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Recommendations of Human  
Services Committee for Funding  
of Qualified Agencies for Fiscal  
Year 2003-2004

### Background:

The Human Services Committee budget in the amount of \$540,159 was established by City Council with the adoption of the General Fund budget for fiscal year 2003-04 on May 12, 2003. Requests from 43 agencies totaling \$1,099,358 were received as indicated on Attachment 1. Committee members studied each application prior to an allocation meeting held on April 15, 2003. Agencies were notified of tentative allocations and advised they could appeal these recommendations.

Appeals of Committee recommendations, as provided by policy, were received after notification to each agency of its tentative recommended allocation. Appeals were filed and heard April 28, 2003 from the following agencies: National Multiple Sclerosis Society and Roanoke Valley CASA. After hearing the appeals, no changes were made to the recommended allocations.

Performance audits will be conducted by the Council of Community Services to evaluate the effectiveness and efficiency of all funded programs.

The City Manager will execute any required contracts.

Honorable Mayor and Members of City Council  
July 7, 2003  
Page 2

Attachment 2 indicates funding received from other jurisdictions.

Recommended Action(s):

Transfer \$540,159 from the Human Services Committee account #001-630-5220-3700 to new line items to be established with the Human Services Committee budget by the Director of Finance as cited on Attachment 1.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:tem

#### Attachments

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Barry L. Key, Director of Management and Budget  
Vickie L. Price, Acting Director of Human/Social Services  
Rolanda B. Russell, Assistant City Manager for Community Development

#CM03-00126

**Human Services Committee  
Funding Allocation Requests  
2003/04**

**Attachment 1**

	Requested 2003/04	Recomm. 2003/04	Received 2002/03
1. Planned Parenthood of Blue Ridge	8,000	5,000	4,000
2. Roanoke Valley Speech and Hearing Center	3,500	3,500	3,500
3. Unified Human Services Transportation (RADAR) Star Program	24,000	20,000	24,000
4. Bethany Hall	30,000	10,000	7,500
5. Roanoke Valley CASA	25,000	5,000	6,000
6. Southwestern Virginia Second Harvest Food Bank	30,000	15,000	15,000
7. Greenvale School	11,000	10,000	9,000
8. Child Advocacy Center – Family Support Program	25,000	5,000	4,000
9. Roanoke Area Ministries	30,000	30,000	40,000
10. Conflict Resolution Center	12,000	6,000	6,000
11. Brain Injury Services of Southwest Virginia	30,000	10,000	N/A
12. Blue Ridge Independent Living Center	15,395	10,000	2,200
13. League of Older Americans	29,000	29,000	29,000
14. Adult Care Center	10,000	7,000	6,600
15. Presbyterian Community Center, Inc. – Pathways Program	8,000	-0-	4,000
16. Mental Health Association	2,300	2,300	2,200
17. TRUST – Roanoke Valley Trouble Center	10,000	8,000	7,600
18. National Multiple Sclerosis Society	1,500	-0-	1,495
19. Girl Scouts of Virginia Skyline Council, Inc.	7,500	5,000	5,000
20. Northwest Child Development Center	25,000	20,000	20,000
21. Council of Community Services:			
A. Information and Referral/Volunteer Roanoke Valley	13,370	13,000	13,369
B. Human Services Planning Project	20,000	-0-	
22. Apple Ridge Farm	25,000	7,795	-0-
23. Roanoke Adolescent Health Partnership, Inc.	30,000	10,000	9,500
24. Fifth District Employment and Training Consortium-Homeless Supportive Service Initiative	30,000	5,000	N/A
25. Family Services of Roanoke Valley:			39,500
A. Action Program	5,000	3,000	N/A
B. Home Care Aide	18,000	15,000	15,000
C. Family and Individual Counseling	10,500	10,000	10,000
D. Adults Plus	14,500	14,500	14,500
26. Blue Ridge Legal Services, Inc.	14,793	3,000	3,000
27. Bradley Free Clinic	30,000	30,000	30,000
28. West End Center for Youth:			
A. Educational Services Program	25,000}	40,000	35,000
B. After School Program	25,000}		
29. Downtown Music Lab	9,000	4,000	N/A

	Requested 2003/04	Recomm. 2003/04	Received 2002/03
30. The National Conference for Community & Justice (NCCJ)	5,000	2,000	2,000
31. Big Brothers/Big Sisters of Roanoke Valley: Community Based Mentoring Program	10,000	3,000	4,000
32. Goodwill Industries of the Valleys	38,000	30,000	38,000
33. Roanoke Valley Interfaith Hospitality Network	9,000	5,000	-0-
34. St. John's Community Youth Program, Inc.	25,000	5,000	5,000
35. Boys and Girls Club – Violence Prevention	25,000	10,000	-0-
36. Roanoke Valley Family Learning Center	25,000	-0-	-0-
37. Roanoke Valley Chapter – American Red Cross – Disaster Services	25,000	-0-	-0-
38. Salvation Army:			
A. Turning Point	15,000	14,000	14,000
B. Emergency Shelter and Transitional Housing for Men	29,000	14,000	14,000
39. Inner City Athletic Association	10,000	4,000	5,000
40. CHIP:			
A. Helpful Opportunities for Parents to Excel (HOPE)	20,000	5,000	-0-
B. Family Strengthening	50,000	25,000	24,350
C. Care Coordination	50,000	22,000	21,450
41. YMCA Of Roanoke Valley – Magic Place	15,000	9,000	9,000
42. YMCA Of Roanoke Valley – Homework Success and Drop-In Summer Outreach	21,000	10,000	-0-
43. YWCA:			
A. Therapeutic Aquatics	20,000	5,000	N/A
B. Child Care	25,000	5,000	4,000
C. Youth Club	25,000	5,000	-0-
D. Resident Program	50,000	-0-	-0-
Council of Community Services – Monitoring Services		11,064	11,000
<b>TOTAL</b>	<b>1,099,358</b>	<b>540,159</b>	<b>484,264</b>



**2002-2003 & 2003-2004 REGIONAL HUMAN SERVICE AGENCY FUNDING**

**Attachment 2**

AGENCY	City of Roanoke		Roanoke County		Salem	
	2002-03 Allocation	2003-04 Recommended	2002-03 Allocation	2003-04 Allocation	2002-03 Allocation	2003-04 Allocation
Planned Parenthood	4,000	5,000				
Roanoke Valley Speech and Hearing Center	3,500	3,500	1,000	1,000	1,400	1,400
Unified Human Services Transportation (RADAR)	24,000	20,000				
Bethany Hall	7,500	10,000	500	500		
Roanoke Valley CASA	6,000	5,000	2,000	2,000	3,500	3,500
Southwestern Virginia Second Harvest Food Bank	15,000	15,000	3,000	4,000		
Greenvale School	9,000	10,000				
Child Advocacy Center	4,000	5,000	3,500	3,500	2,350	2,400
Roanoke Area Ministries	40,000	30,000	1,000	1,000	1,500	1,500
Conflict Resolution Center	6,000	6,000			1,500	1,750
Brain Injury Services of Southwest Virginia	N/A	10,000				
Blue Ridge Independent Living Center	2,200	10,000				
League of Older Americans	29,000	29,000	13,750	13,750	8,000	8,650
Adult Care Center	6,600	7,000	10,000	10,000	5,300	5,300
Mental Health Association	2,200	2,300	700	700	500	500
TRUST	7,600	8,000	4,750	4,750	4,000	4,000
Girl Scouts of Virginia Skyline Council, Inc.	5,000	5,000				
Northwest Child Development Center	20,000	20,000				
Council of Community Services	13,369	13,000	3,000	3,000	2,500	2,265
Apple Ridge Farm	-0-	7,795				
Roanoke Adolescent Health Partnership, Inc.	9,500	10,000				
Fifth District Employment and Training Consortium	N/A	5,000				
Blue Ridge Legal Services	3,000	3,000				
Family Services of Roanoke Valley	39,500	42,500	4,000	4,000	2,000	2,250
Bradley Free Clinic	30,000	30,000	5,000	5,000	3,000	3,000
West End Center for Youth	35,000	40,000				
Downtown Music Lab	N/A	4,000				
National Conference for Community and Justice	2,000	2,000	650	650	750	750
Big Brothers/Big Sisters	4,000	3,000	3,000	3,000	3,000	3,000
Goodwill Industries of the Valleys	38,000	30,000	5,000	4,000	30,000	30,750
Roanoke Valley Interfaith Hospitality Network, Inc.	-0-	5,000			5,000	5,000
St. John's Community Youth Program, Inc.	5,000	5,000				
Boys and Girls Club	-0-	10,000				
Salvation Army	28,000	28,000	2,000	2,000	2,500	2,500
Inner City Athletic Association	5,000	4,000				
CHIP	45,800	52,000	16,600	16,600	39,000	39,000
YMCA of Roanoke Valley	9,000	19,000				
YWCA	4,000	15,000				

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 General Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Health and Welfare		\$ 28,508,080
Human Services Committee (1-49) .....		540,159
1) Free Clinic	(001-630-5220-3721)	\$ 30,000
2) League of Older Americans	(001-630-5220-3722)	29,000
3) Roanoke Area Ministries	(001-630-5220-3723)	30,000
4) RADAR	(001-630-5220-3725)	20,000
5) Bethany Hall	(001-630-5220-3728)	10,000
6) Council of Community Services- Information and Referral	(001-630-5220-3732)	13,000
7) Northwest Child Development	(001-630-5220-3734)	20,000
8) Roanoke Valley Speech and Hearing	(001-630-5220-3738)	3,500
9) TRUST	(001-630-5220-3740)	8,000
10) Inner City Athletic Association	(001-630-5220-3744)	4,000
11) West End Center For Youth	(001-630-5220-3745)	40,000
12) Adult Care Center	(001-630-5220-3746)	7,000
13) Conflict Resolution Center	(001-630-5220-3748)	6,000
14) Roanoke Adolescent Health Partnership	(001-630-5220-3767)	10,000
15) Court Appointed Special Advocate	(001-630-5220-3775)	5,000
16) Greenvale Nursery School	(001-630-5220-3780)	10,000
17) Blue Ridge Independent Living Center	(001-630-5220-3781)	10,000
18) Mental Health Association of Roanoke Valley	(001-630-5220-3784)	2,300
19) National Conference Community and Justice	(001-630-5220-3786)	2,000
20) Southwest Virginia Second Harvest Food Bank	(001-630-5220-3788)	15,000

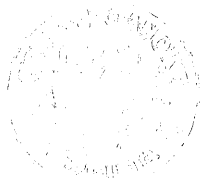
21)	Planned Parenthood of Blue Ridge	(001-630-5220-3795)	\$ 5,000
22)	St. John's Community Youth Program	(001-630-5220-3797)	5,000
23)	Virginia Skyline Girl Scout Council	(001-630-5220-3798)	5,000
24)	Child Advocacy Center-Family Support Program	(001-630-5220-3915)	5,000
25)	Brain Injury Services of Southwest Virginia	(001-630-5220-3916)	10,000
26)	Apple Ridge Farm	(001-630-5220-3917)	7,795
27)	Fifth District Employment and Training Consortium-Homeless Supportive Service Initiative	(001-630-5220-3918)	5,000
28)	Family Service of Roanoke Valley-Action Program	(001-630-5220-3919)	3,000
29)	Family Service of Roanoke Valley-Home Care Aide	(001-630-5220-3920)	15,000
30)	Family Service of Roanoke Valley-Family and Individual Counseling	(001-630-5220-3921)	10,000
31)	Family Service of Roanoke Valley-Adults Plus	(001-630-5220-3922)	14,500
32)	Blue Ridge Legal Services, Inc.	(001-630-5220-3923)	3,000
33)	Downtown Music Lab	(001-630-5220-3924)	4,000
34)	Big Brothers/Big Sisters of Roanoke Valley-Community Based Mentoring Program	(001-630-5220-3925)	3,000
35)	Goodwill Industries of the Valleys	(001-630-5220-3926)	30,000
36)	Roanoke Valley Interfaith Hospitality Network	(001-630-5220-3927)	5,000
37)	Boys and Girls Club-Violence Prevention	(001-630-5220-3928)	10,000
38)	The Salvation Army-Turning Point	(001-630-5220-3929)	14,000
39)	The Salvaton Army-Emergency Shelter and Transitional Housing for Men	(001-630-5220-3930)	14,000
40)	CHIP-Helpful Opportunities for Parents to Excel (HOPE)	(001-630-5220-3931)	5,000
41)	CHIP-Family Strengthening	(001-630-5220-3932)	25,000
42)	CHIP-Care Coordination	(001-630-5220-3933)	22,000
43)	YMCA of Roanoke Valley-Magic Place	(001-630-5220-3934)	9,000

44)	YMCA of Roanoke Valley- Homework Success and Drop-In Summer Outreach	(001-630-5220-3935)	\$ 10,000
45)	YWCA-Therapeutic Aquatics	(001-630-5220-3936)	5,000
46)	YWCA-Child Care	(001-630-5220-3937)	5,000
47)	YWCA-Youth Club	(001-630-5220-3938)	5,000
48)	Council of Community Services- Monitoring Services	(001-630-5220-3940)	11,064
49)	Subsidies	(001-630-5220-3700)	(540,159)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 7, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr. Council Member  
Honorable Beverly T. Fitzpatrick, Jr. Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of Fees for Training


### Background:

In FY 2002-03 the Roanoke Police Department provided for a fee training at its Police Academy for Roanoke County's police officers, recruit officers and dispatchers. The Roanoke Police Department has agreed to provide to Roanoke County the same fee-based training in FY 2003-04. The Police Department received \$26,820 in June 2003 (\$180 per person X 149 persons) for this FY 2003-04 training and deposited the funds to deferred revenue account #001-2338.

### Recommended Action:

Appropriate \$26,820 to the General Fund Police Training account number 001-640-3115-2044 for training and development with a corresponding increase to the General Funds revenue estimate for Roanoke County Police Training account number 001-110-1234-1461.

Respectfully submitted,

  
Darlene L. Burcham  
City Manager

DLB:fjd

C: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Rolanda B. Russell, Assistant City Manager  
A. L. Gaskins, Chief of Police

CM03-00145

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 General Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Public Safety	\$ 49,717,110
Police Training (1).....	500,356

**Revenues**

Charges for Services	\$ 11,002,015
Public Safety (2) .....	2,267,350

1) Training and Development	(001-640-3115-2044)	26,820
2) Roanoke County Police Training	(001-110-1234-1461)	26,820

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**

## **DEPARTMENT OF FINANCE**

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

**Director of Finance**

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

**Deputy Director**

email: ann\_shawver@ci.roanoke.va.us

July 7, 2003

The Honorable Ralph K. Smith, Mayor  
 The Honorable C. Nelson Harris, Vice Mayor  
 The Honorable William D. Bestpitch, Council Member  
 The Honorable M. Rupert Cutler, Council Member  
 The Honorable Alfred T. Dowe, Jr., Council Member  
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: HUD Section 108 Loan Refinancing

### **Background:**

Roanoke entered into a United States Department of Housing and Urban Development (HUD) Section 108 loan agreement for \$6 million in March 1994, with an average interest rate of 6.78%. The funds were loaned to Hotel Roanoke, LLC via a three-party loan agreement between the City, Roanoke Redevelopment and Housing Authority (RRHA) and Hotel Roanoke, LLC, and were used as part of the financing for refurbishing Hotel Roanoke. The three party loan agreement states that Hotel Roanoke, LLC will pay the same interest rate that the City pays on the HUD loan. The City pledged its Community Development Block Grant (CDBG) for repayment of the loan, if necessary. CDBG funds are used to repay the loan, and payments from Hotel Roanoke, LLC are treated as CDBG program income. Per the loan agreement with Hotel Roanoke, LLC, annual payments are made to the extent that operating revenues are available, as defined in the loan agreement. Any unpaid amounts accumulate and are added to future payments due.

### **Considerations:**

The HUD Section 108 loan is eligible for refinancing after payment of the scheduled August 1, 2003 payment. We are in the process of coordinating with HUD to refinance the remaining principal balance of \$3,825,000. HUD believes we should be able to

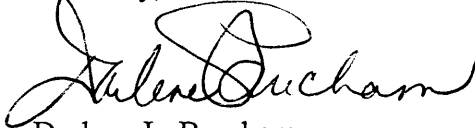
The Honorable Mayor and Members of Council  
July 7, 2003  
Page 2

refinance the outstanding balance at approximately one half the current rate. If we are successful in obtaining this favorable interest rate, savings should approximate \$850,000 to \$870,000 over the remaining life of the loan. The lower interest rate will reduce the future payments due from Hotel Roanoke, LLC and improve the potential for collecting the amounts due in arrears. This will potentially result in more CDBG program income for future years. The loan agreement with RRHA and Hotel Roanoke, LLC will need to be amended to reflect the lower interest rate.

Recommendation:

City Council adopt the accompanying resolution authorizing the City Manager, City Clerk, and City Attorney to execute the necessary documents to refinance the HUD Section 108 loan, and authorize the City Manager to execute an amendment to the loan agreement with RRHA and Hotel Roanoke, LLC., to conform the terms of such contract with the terms of the refinancing.

Sincerely,



Darlene L. Burcham  
City Manager



Jesse A. Hall  
Director of Finance

JAH:ca

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Deborah J. Moses, HRCC Director  
John P. Baker, Executive Director, RRHA



WMA  

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing certain actions in connection with the redemption and refinancing of certain Section 108 guaranteed obligations previously issued by the City.

WHEREAS, in connection with the rehabilitation and restoration of the Hotel Roanoke and the development of the Hotel Roanoke Conference Center (the "Project"), the City was loaned \$6,000,000 by the United States Department of Housing and Urban Development ("HUD") pursuant to its Section 108 Loan Guarantee Assistance Program; and

WHEREAS, the City desires to redeem and refinance, on August 1, 2003, its Section 108 guaranteed obligations that it previously issued for this Project, and to permanently place this obligation as part of the pending public offering of trust certificates guaranteed under Section 108 of the Housing and Community Development Act of 1974, as amended.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. In connection with such refinancing of the Project, the City Manager is hereby authorized to execute, for and on behalf of the City, a Variable/Fixed Rate Promissory Note bearing Note No. B-91-MC-51-0020, with a maximum commitment amount of \$3,825,000.

2. The City Manager and the City Clerk are authorized to execute and to attest, respectively, for and on behalf of the City, a Contract for Loan Guarantee Assistance Under Section 108 of the Housing and Community Development Act of 1974, as amended, 42 U.S. C. §5308, for the issuance of a Variable/Fixed Rate Promissory Note, as of August 1, 2003, for conversion to fixed rates as of the 2003 conversion date, and all other documents necessary or

desirable to accomplish the transaction, including the pledging of present and future Community Development Block Grants to the repayment of this loan, if necessary.

3. The City Manager and the City Clerk are authorized to execute and to attest, respectively, for and on behalf of the City, an amendment to the contract dated November 15, 1993, among the City, the Roanoke Redevelopment and Housing Authority, and Hotel Roanoke, L.L.C. as amended, to reflect the change in interest rates as a result of this redemption and refinancing of the aforementioned obligations.

4. The above-referenced documents shall be approved as to form by the City Attorney.

5. The City Attorney is authorized to issue to HUD an opinion of counsel that all necessary steps have been taken by this Council to authorize this transaction and the execution of the documents referenced above.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

**Director of Finance**

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

**Deputy Director**

email: ann\_shawver@ci.roanoke.va.us

July 7, 2003

The Honorable Ralph K. Smith, Mayor  
 The Honorable C. Nelson Harris, Vice Mayor  
 The Honorable William D. Bestpitch, Council Member  
 The Honorable M. Rupert Cutler, Council Member  
 The Honorable Alfred T. Dowe, Jr., Council Member  
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

**SUBJECT: May Financial Report**

This financial report covers the first eleven months of the 2002-2003 fiscal year. The following narrative discusses revenues and expenditures to date.

### **REVENUE**

General fund revenues are up 2.29% or \$3,828,000 compared to the same period last year. Variances in specific categories of revenues are as follows:

**General Property Taxes** increased 3.98% or \$2,663,000. The second installment of real estate taxes was due April 5. As of May 31, real estate taxes increased 5.37% and achieved 100.11% of the estimate. Increased property values resulting from the annual reassessment program and new construction contributed to the growth in this category. As of May 31, personal property tax revenue was down compared to FY02 due to the impact of the June 2<sup>nd</sup> due date in the current year. Personal property tax revenue is projected to meet budget for FY03. Public service corporation taxes also declined from FY02 due to a decrease in real estate and personal property assessments of public service corporation tax, as well as an increase in the number of refunds in FY03.

**Other Local Taxes** increased 0.58% or \$288,000. Electric utility consumer tax, which is based on usage, increased 5.27% due to last year's warmer than normal summer and colder winter weather. Sales tax revenues were down 0.23% from the prior year at May 31<sup>st</sup>. Inclusive of the mid-June collection, representing retail sales activity for the month of April, collections have increased 0.88% on a year-to-date basis. Cellular phone tax revenue has increased almost \$222,000 due to increased subscribers and efforts to ensure service providers correctly remit revenues to the proper jurisdictions. Telephone utility consumer tax declined almost \$178,000 from the prior year due in part to increased usage of cellular telephones. Bank stock taxes decreased almost \$207,000 from the prior year due primarily to a decrease in the levy resulting from the merger of First Union and Wachovia banks.

**Permits, Fees and Licenses** declined 18.10% or \$181,000. Permit valuations for commercial projects during the first eleven months of the current fiscal year were lower than the same period in the prior year, having a negative impact on building, plumbing and heating inspection fees. In addition, the number of building permits issued for commercial and

residential projects has declined. Elevator inspection has been privatized with the majority of fees paid directly to a third party, causing a decline in elevator inspection revenues. There was also an expenditure decline related to this privatization effort.

**Fines and Forfeitures** increased 13.09% or \$138,000. Parking ticket revenue was up over \$82,000 from the prior year. In late fall of 2001, the ticketing function was civilianized. As a result, the number of parking tickets issued increased substantially. The penalty for late payment of parking tickets was increased effective July 1, 2002, generating additional parking ticket revenue. General District Court fines were up due to an increased caseload, much of which was related to the increased number of parking tickets. New fees adopted in FY03 related to delinquent collections also generated additional revenue in this category.

**Charges for Services** increased 16.77% or \$533,000. Several new fees were authorized by the 2002 General Assembly and were effective July 1, 2002, including a courthouse security fee, inmate processing fee and DNA sampling fee. These new fees have generated approximately \$92,000. Circuit Court Clerk fees were up due to the recording of deeds for a number of high value property sales in the current year. Favorable interest rates have encouraged refinancing, increasing the number of deeds and certificates of satisfaction recorded. An increase in caseload and an increase in the value of estates filed also contributed to the growth in Circuit Court Clerk fees. A new fee structure for bulk garbage collection generated additional revenue. EMS fees increased as a result of the rate increase effective April 1, 2002. While overall revenue in this category is up from the prior year due to fee increases and the establishment of new fees, several of these fees are under performing their estimates.

**Miscellaneous Revenue** declined 22.36% or \$92,000. In the prior year, funding was transferred from the Parking Fund to partially support the subsidy provided to the Greater Roanoke Transit Company (GRTC). However, this subsidy is being funded by the General Fund in the current year. In addition, a larger amount of surplus property sales proceeds were received in the prior year. A timing difference in the receipt of the payment in lieu of taxes from Roanoke Redevelopment and Housing Authority also contributed to this decline.

## **EXPENDITURES AND ENCUMBRANCES**

General fund expenditures and encumbrances have increased 1.02% or \$1,829,000 compared to FY02. Variances in individual expenditure categories are discussed as follows:

**Parks, Recreation and Cultural** expenditures declined 8.18% or \$364,000. Personal services costs of the Recreation department decreased. Several labor-intensive program cuts, the elimination of a project assistant position and shortened hours at pool facilities caused temporary wage costs to decline. In addition, pool supplies, a scoreboard and miscellaneous furnishings and appliances for the fitness centers were purchased in the prior year. Personal services costs of the Library decreased as several positions have been vacant during the year. Publications and subscription expenditures decreased as of May 31<sup>st</sup>, however, additional purchases are anticipated prior to the end of the year. Department of Technology charges also declined.

**Community Development** expenditures increased 6.14% or \$285,000 due to an increase in Housing and Neighborhood Services costs. A reorganization in the prior year resulted in new positions being added to handle changes in the code enforcement area. Additionally, internal service charges for technology increased in the current year, corresponding to the increase in personnel.

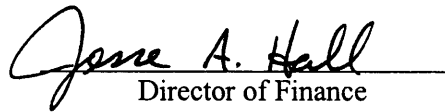
**Transfer to Debt Service Fund** increased 38.68% or \$4,699,000. The current fiscal year was the first year principal and interest payments were required for the Series 2002A General Obligation Bonds, and a larger principal payment was

Honorable Mayor and Members of Council  
July 7, 2003  
Page 3

required on the Series 1997B Bonds, increasing the required transfer amount. The final principal and interest payments were made in the prior fiscal year for Series 1992 Refunding Bonds, partially offsetting these increases.

**Nondepartmental** expenditures decreased 16.51% or \$1,769,000. This change is primarily due to a decrease in CMERP funding transferred to the Department of Technology Fund in the current year. Transfers to the Civic Center Fund also declined, while transfers to the Fleet Management Fund and the GRTC have increased by an approximately offsetting amount.

I would be pleased to answer questions City Council may have regarding the monthly financial statements.

  
Director of Finance

JAH/jrw  
Attachments

**CITY OF ROANOKE, VIRGINIA  
SUMMARY OF CITY MANAGER TRANSFERS  
AND AVAILABLE CONTINGENCY  
MAY 31, 2003**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>General Fund:</u></b>					
CMT-1368	09/03/02	The Art Project Feasibility Study	Contingency*	Memberships and Affiliations	\$ 37,500
CMT-649	09/26/02	American Flag Inventory	Police Patrol	Transportation-Engineering and Operations	5,100
CMT-651	11/12/02	Terrorism Conference	Fire-Support	Environmental Services and Emergency Management	1,195
CMT-653	11/11/02	Terrorism Conference	Police Training	Environmental Services and Emergency Management	669
CMT-657	12/02/02	Reorganization of Neighborhood Partnership	Planning, Building and Development	Neighborhood Partnership	13,659
CMT-663	12/04/02	Parking Lot Paving at Mountain View Recreation Center	Police Patrol	Parks	11,900
CMT-659	12/06/02	Victory Stadium Parking Lot Grading	Parks and Recreation Administration	Transportation-Streets and Traffic	3,900
CMT-1403	12/18/02	Temporary Wages	Crisis Intervention	Youth Haven	3,800
CMT-667	01/10/03	Legal Fees	Police Patrol	Economic Development	21,591
CMT-677	01/14/03	Fees For Professional Services	Contingency*	City Attorney	30,000
CMT-675	01/15/03	Shredder	Police Patrol	Commissioner of the Revenue	1,344
CMT-679	02/03/03	Temporary Wages	Transfers To Other Funds	Engineering	10,318
CMT-687	02/21/03	Supplement Operating Expenses	Contingency*	City Council	43,175
CMT-685	02/28/03	Temporary Wages	Transfers To Other Funds	Engineering	4,006
CMT-689	02/28/03	Chemicals Purchase	Contingency*	Transportation-Snow Removal	69,400
CMT-1428	03/01/03	Wages-Segregate Revenue Maximization Coordinator	Social Services-Administration	Social Services-Revenue Maximization	41,492
CMT-693	03/12/03	Cycle Program For Youth	Fire-Administration	Police Patrol	1,500
CMT-695	03/13/03	Used Twelve Passenger Van	Outreach Detention	Transfer to Fleet Management	12,000
CMT-1431	03/13/03	Supplement Operating Expenses	Crisis Intervention	Outreach Detention	1,110
CMT-697	03/25/03	Supplement Operating Expenses	Contingency*	Board of Equalization	17,623
CMT-1444	04/15/03	Assist and Expedite Clean-Up Of Smith Mountain Lake	Contingency*	Memberships and Affiliations	5,000
CMT-1448	04/16/03	Group Rate For Twenty-Five Cell Phones	Transportation-Streets and Traffic	Transportation-Engineering and Operations	828
CMT-1449	04/16/03	Group Rate For Twenty-Five Cell Phones	Director Of Public Works	Transportation-Engineering and Operations	276
CMT-1460	04/16/03	Group Rate For Twenty-Five Cell Phones	Engineering	Transportation-Engineering and Operations	1,380
CMT-710	04/23/03	Excess Summer Food Program Costs-Fiscal Years 1999-2003	Contingency*	Transfer To Grant Fund	43,695
CMT-722	05/09/03	Replace American Flags Downtown	Police Patrol	Transportation-Engineering and Operations	8,000

**CITY OF ROANOKE, VIRGINIA  
SUMMARY OF CITY MANAGER TRANSFERS  
AND AVAILABLE CONTINGENCY  
MAY 31, 2003  
(CONTINUED)**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<b><u>General Fund Continued:</u></b>					
CMT-712	05/14/03	Mobile Radio Maintenance Agreement	Reengineering Savings	Telecommunications	43,970
CMT-724	05/15/03	Municipal South Elevator Replacement	Building Maintenance	Transfer to Capital Projects Fund	36,000
CMT-720	05/28/03	Reverse Event Zone Funds Transfer	Memberships and Affiliations	Parks and Recreation Administration	75,000
CMT-1485	05/28/03	VML/VACO Electric Rate Negotiations	Electrical Rate Contingency	Memberships and Affiliations	44,750
Total General Fund					<u>\$ 590,181</u>

**Capital Projects Fund:**

CMT-646	09/20/02	Century Square Project	Special Park Project Grants	Sister City Century Square Upgrade	\$ 145
CMT-646	09/20/02	Century Square Project	Roanoke River Center Phase I	Sister City Century Square Upgrade	3,855
CMT-1385	10/31/02	Final Household Hazardous Waste Collection Day	Capital Improvement Reserve	Environmental Issues-PWSC	5,000
CMT-1385	10/31/02	Final Household Hazardous Waste Collection Day	Capital Improvement Reserve	Settlement State DEQ-PWSC	60,000
CMT-665	01/06/03	Environmental Cleanup	Smith Park Riparian	Environmental Issues-PWSC	22,992
CMT-691	03/19/03	Trout Run Culvert Repairs	Garden City Phase 3 Draining Project	Trout Run Culvert Repairs	72,874
CMT-1430	03/27/03	Traffic Signal Poles	Second Street/Gainsboro/Wells Avenue	Traffic Signals General	30,000
CMT-1467	05/01/03	Ridgewood Park Playground	Master Plan Projects	Play Structures	33,245
Total Capital Projects Fund					<u>\$ 228,111</u>

**Available Contingency**

Balance of Contingency at July 1, 2002					\$ 476,300
*Contingency Transfers From Above					(246,393)
Contingency Appropriations Through Budget Ordinances:					
BO 36022	08/19/02	Drug Prosecutor Local Match	Contingency	Transfer to Grant Fund	(9,381)
BO 36154	12/16/02	Virginia Exile Grant Unused Local Match	Transfer to Grant Fund	Contingency	13,643
BO 36239	02/21/03	Snow Removal	Contingency	Transportation-Snow Removal	(115,000)
BO 36335	05/19/03	Regional Competitiveness	Contingency	Transfer to Grant Fund	(8,193)
Available Contingency at May 31, 2003					<u>\$ 110,976</u>

**CITY OF ROANOKE, VIRGINIA  
GENERAL FUND**

**STATEMENT OF REVENUE**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - May 31 2001-2002	July 1 - May 31 2002-2003	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 66,880,282	\$ 69,543,752	3.98 %	\$ 78,340,707	88.77%
Other Local Taxes	49,450,245	49,738,612	0.58 %	59,301,164	83.87%
Permits, Fees and Licenses	1,002,420	820,953	-18.10 %	1,030,694	79.65%
Fines and Forfeitures	1,055,264	1,193,404	13.09 %	1,116,350	106.90%
Revenue from Use of Money and Property	914,077	935,079	2.30 %	1,082,729	86.36%
Grants-in-Aid Commonwealth	42,199,404	42,829,210	1.49 %	46,023,185	93.06%
Grants-in-Aid Federal Government	34,358	17,179	0.00 %	34,300	50.08%
Charges for Services	3,178,192	3,711,205	16.77 %	4,353,761	85.24%
Miscellaneous Revenue	413,531	321,058	-22.36 %	315,045	101.91%
Internal Services	1,713,165	1,558,662	-9.02 %	2,302,219	67.70%
<b>Total</b>	<b>\$ 166,840,938</b>	<b>\$ 170,669,114</b>	<b>2.29 %</b>	<b>\$ 193,900,154</b>	<b>88.02%</b>

**STATEMENT OF EXPENDITURES AND ENCUMBRANCES**

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - May 31 2001-2002	July 1 - May 31 2002-2003	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	\$ 10,637,170	\$ 10,334,142	-2.85 %	\$ 1,379,781	\$ 11,713,923	88.22%
Judicial Administration	5,284,654	5,480,499	3.71 %	812,907	6,293,406	87.08%
Public Safety	42,173,151	41,000,679	-2.78 %	5,486,968	46,487,647	88.20%
Public Works	22,287,492	21,780,463	-2.27 %	3,183,622	24,964,085	87.25%
Health and Welfare	23,609,828	23,830,082	0.93 %	3,618,671	27,448,753	86.82%
Parks, Recreation and Cultural	4,446,624	4,082,718	-8.18 %	672,314	4,755,032	85.86%
Community Development	4,637,265	4,921,774	6.14 %	703,947	5,625,721	87.49%
Transfer to Debt Service Fund	12,147,755	16,846,406	38.68 %	636	16,847,042	100.00%
Transfer to School Fund	42,969,566	43,515,494	1.27 %	3,893,062	47,408,556	91.79%
Nondepartmental	10,719,521	8,950,192	-16.51 %	2,206,155	11,156,347	80.23%
<b>Total</b>	<b>\$ 178,913,026</b>	<b>\$ 180,742,449</b>	<b>1.02 %</b>	<b>\$ 21,958,063</b>	<b>\$ 202,700,512</b>	<b>89.17%</b>

**Note:**

Prior year financial statements have been restated to conform to current year presentation.



**CITY OF ROANOKE, VIRGINIA  
SCHOOL FUND STATEMENT OF REVENUE**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - May 31 2001-2002	July 1 - May 31 2002-2003	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
State Sales Tax	\$ 6,606,468	\$ 6,441,139	-2.50 %	\$ 9,226,504	69.81 %
Grants-in-Aid Commonwealth	37,029,092	37,808,865	2.11 %	43,236,695	87.45 %
Grants-in-Aid Federal Government	97,518	112,819	15.69 %	115,298	97.85 %
Charges for Services	1,468,904	1,871,815	27.43 %	2,127,968	87.96 %
Transfer from General Fund	42,969,566	43,515,494	1.27 %	47,408,556	91.79 %
Special Purpose Grants	10,438,657	9,642,461	-7.63 %	13,488,770	NA
<b>Total</b>	<b>\$ 98,610,205</b>	<b>\$ 99,392,593</b>	<b>0.79 %</b>	<b>\$ 115,603,791</b>	<b>85.98 %</b>

**SCHOOL FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES**

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - May 31 2001-2002	July 1 - May 31 2002-2003	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
Instruction	\$ 65,431,027	\$ 67,467,329	3.11 %	\$ 8,413,181	\$ 75,880,510	88.91 %
General Support	3,002,793	3,306,139	10.10 %	727,833	4,033,972	81.96 %
Transportation	3,552,463	3,653,108	2.83 %	389,110	4,042,218	90.37 %
Operation and Maintenance of Plant	8,579,361	9,281,093	8.18 %	1,660,320	10,941,413	84.83 %
Facilities	1,801,785	2,546,147	41.31 %	1,200,679	3,746,826	67.95 %
Other Uses of Funds	6,189,453	6,591,072	6.49 %	480,647	7,071,719	93.20 %
Special Purpose Grants	12,483,513	13,488,770	8.05 %	-	13,488,770	NA
<b>Total</b>	<b>\$ 101,040,395</b>	<b>\$ 106,333,658</b>	<b>5.24 %</b>	<b>\$ 12,871,770</b>	<b>\$ 119,205,428</b>	<b>89.20 %</b>

**Note:**

Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA  
SCHOOL FOOD SERVICES FUND STATEMENT OF REVENUE**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - May 31 2001-2002	July 1 - May 31 2002-2003	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
Grants-in-Aid Commonwealth	\$ 84,483	\$ 85,171	0.81 %	\$ 84,464	100.84 %
Grants-in-Aid Federal Government	2,579,944	2,617,437	1.45 %	2,747,730	95.26 %
Charges for Services	1,357,464	1,271,489	-6.33 %	1,689,923	75.24 %
<b>Total</b>	<b>\$ 4,021,891</b>	<b>\$ 3,974,097</b>	<b>-1.19 %</b>	<b>\$ 4,522,117</b>	<b>87.88 %</b>

**SCHOOL FOOD SERVICES FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES**

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - May 31 2001-2002	July 1 - May 31 2002-2003	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
Food Services	\$ 3,962,834	\$ 3,979,484	0.42 %	\$ 546,007	\$ 4,525,491	87.93 %
Facilities	17,099	64,844	279.23 %	(15,437)	49,407	131.24 %
<b>Total</b>	<b>\$ 3,979,933</b>	<b>\$ 4,044,328</b>	<b>1.62 %</b>	<b>\$ 530,570</b>	<b>\$ 4,574,898</b>	<b>88.40 %</b>

**CITY OF ROANOKE, VIRGINIA  
CAPITAL PROJECTS FUND  
STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND  
UNENCUMBERED APPROPRIATIONS SUMMARY AS OF MAY 31, 2003**

	<b>Budget</b>	<b>Expenditures To Date</b>	<b>Unexpended Balance</b>	<b>Outstanding Encumbrances</b>	<b>Unobligated Balance</b>
General Government	\$ 11,818,709	\$ 9,117,302	\$ 2,701,407	\$ 984,269	\$ 1,717,138
Flood Reduction	18,695,464	7,657,696	11,037,768	209,957	10,827,811
Economic Development	25,216,251	19,276,293	5,939,958	60,239	5,879,719
Community Development	6,724,402	5,945,250	779,152	384,035	395,117
Public Safety	8,234,803	6,942,466	1,292,337	356,600	935,737
Recreation	25,762,128	5,478,376	20,283,752	1,636,005	18,647,747
Streets and Bridges	27,450,007	17,778,805	9,671,202	1,423,931	8,247,271
Storm Drains	3,516,831	2,519,115	997,716	550,115	447,601
Traffic Engineering	5,640,630	4,349,945	1,290,685	112,857	1,177,828
Capital Improvement Reserve	415,749	-	415,749	-	415,749
<b>Total</b>	<b>\$ 133,474,974</b>	<b>\$ 79,065,248</b>	<b>\$ 54,409,726</b>	<b>\$ 5,718,008</b>	<b>\$ 48,691,718</b>

**CITY OF ROANOKE, VIRGINIA  
SCHOOL CAPITAL PROJECTS FUND  
STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND  
UNENCUMBERED APPROPRIATIONS SUMMARY AS OF MAY 31, 2003**

	<b>Budget</b>	<b>Expenditures To Date</b>	<b>Unexpended Balance</b>	<b>Outstanding Encumbrances</b>	<b>Unobligated Balance</b>
Elementary Schools Renovation	\$ 20,387,351	\$ 6,020,490	\$ 14,366,861	\$ 10,471,685	\$ 3,895,176
Middle Schools Renovation	983,188	962,733	20,455	-	20,455
High Schools Renovation	527,679	277,867	249,812	250,000	(188)
Transportation Facility Renovation	1,000,000	96,909	903,091	903,091	-
Interest Expense	262,929	215,634	47,295	-	47,295
Capital Improvement Reserve	356,271	-	356,271	-	356,271
<b>Total</b>	<b>\$ 23,517,418</b>	<b>\$ 7,573,633</b>	<b>\$ 15,943,785</b>	<b>\$ 11,624,776</b>	<b>\$ 4,319,009</b>

**CITY OF ROANOKE, VIRGINIA  
CAPITAL PROJECTS FUND  
COMPARATIVE STATEMENT OF REVENUES  
FOR THE ELEVEN MONTHS ENDING MAY 31, 2003**

	<u><b>FY 2003</b></u>	<u><b>FY 2002</b></u>
<b>Interest Revenue:</b>		
Interest on Bond Proceeds	\$ 915,902	\$ 687,138
Interest on SunTrust Lease	451	11,838
Interest on Idle Working Capital	264,194	445,599
Total Interest Revenue	<u>1,180,547</u>	<u>1,144,575</u>
<b>Multi Year Revenues:</b>		
<b>Intergovernmental Revenue:</b>		
Federal Government:		
FEMA - Regional Mitigation Project	-	19,223
Commonwealth:		
Passenger Station Improvement - ISTE A	578,107	118,989
VDES - Garden City Mitigation Project	-	10,143
Mill Mountain Greenway - ISTE A	226,467	-
Virginia Transportation Museum - ISTE A	357,791	23,064
Railside Linear Walk - ISTE A	298,564	-
Lick Run Greenway - TEA21	50,367	-
Total Intergovernmental Revenue	<u>1,511,296</u>	<u>171,419</u>
<b>Revenue from Third Parties:</b>		
Advance Stores Governor's Opportunity Fund Agreement	170,000	500,000
First Union Job Grant Repayment	31,200	44,400
Anthem Insurance - Land Sale	-	100
Times-World Corporation - Land Sale	-	3,100
Mill Mountain Greenway - Fralin Trust Donation	20,000	-
Roanoke Times Air Right Lease	-	8,500
Sale of Nelms Lane Property	-	500
Total Revenue from Third Parties	<u>221,200</u>	<u>556,600</u>
<b>Other Revenue:</b>		
Transfer from General Fund	4,440,678	4,438,517
Transfer from Water Fund	-	375,000
Transfer from Fleet Management Fund	41,940	-
General Obligation Bond Proceeds - Series 2002	-	41,530,000
Total Other Revenue	<u>4,482,618</u>	<u>46,343,517</u>
<b>Total</b>	<u><b>\$ 7,395,661</b></u>	<u><b>\$ 48,216,111</b></u>

**CITY OF ROANOKE, VIRGINIA  
WATER FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE ELEVEN MONTHS ENDING MAY 31, 2003**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Operating Revenues</b>		
Commercial Sales	\$ 4,060,606	\$ 3,933,781
Domestic Sales	3,243,882	3,053,347
Industrial Sales	540,632	592,303
Town of Vinton	22,628	24,573
City of Salem	29,812	24,863
County of Botetourt	212,776	195,310
County of Bedford	27,750	17,654
Customer Services	394,208	544,948
Charges for Services	<u>2,673,394</u>	<u>2,738,329</u>
<b>Total Operating Revenues</b>	<u>11,205,688</u>	<u>11,125,108</u>
<b>Operating Expenses</b>		
Personal Services	4,007,965	3,833,265
Operating Expenses	4,727,247	4,191,652
Purchased Water - Roanoke County	1,907,359	-
Purchased Water - City of Salem	589,419	-
Depreciation	<u>1,504,653</u>	<u>1,539,729</u>
<b>Total Operating Expenses</b>	<u>12,736,643</u>	<u>9,564,646</u>
<b>Operating Income (Loss)</b>	<u>(1,530,955)</u>	<u>1,560,462</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	75,066	184,776
Rent	114,600	69,592
Sale of Land	-	375,000
Miscellaneous Revenue	55,910	58,104
Transfer to Capital Projects Fund	-	(375,000)
Transfer to Department of Technology Fund	(41,146)	-
Interest and Fiscal Charges	<u>(983,254)</u>	<u>(947,605)</u>
<b>Net Nonoperating Expenses</b>	<u>(778,824)</u>	<u>(635,133)</u>
<b>Net Income (Loss)</b>	<u><u>\$ (2,309,779)</u></u>	<u><u>\$ 925,329</u></u>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA  
WATER POLLUTION CONTROL FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE ELEVEN MONTHS ENDING MAY 31, 2003**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Operating Revenues</b>		
Sewage Charges - City	\$ 5,551,999	\$ 5,961,824
Sewage Charges - Roanoke County	1,247,641	635,855
Sewage Charges - Vinton	239,615	188,948
Sewage Charges - Salem	1,196,191	684,365
Sewage Charges - Botetourt County	201,675	131,281
Customer Services	265,394	198,904
Interfund Services	<u>191,661</u>	<u>147,057</u>
<b>Total Operating Revenues</b>	<u>8,894,176</u>	<u>7,948,234</u>
<b>Operating Expenses</b>		
Personal Services	1,917,969	1,914,272
Operating Expenses	4,450,816	5,159,740
Depreciation	<u>1,704,028</u>	<u>1,282,153</u>
<b>Total Operating Expenses</b>	<u>8,072,813</u>	<u>8,356,165</u>
<b>Operating Income (Loss)</b>	<u>821,363</u>	<u>(407,931)</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	124,777	160,786
Miscellaneous Revenue	356	136
Capital Contributions - Other Jurisdictions	97,832	930,095
Transfer to Department of Technology Fund	(27,248)	-
Interest and Fiscal Charges	<u>(681,899)</u>	<u>(696,278)</u>
<b>Net Nonoperating Revenues (Expenses)</b>	<u>(486,182)</u>	<u>394,739</u>
<b>Net Loss</b>	<u><u>\$ 335,181</u></u>	<u><u>\$ (13,192)</u></u>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA  
CIVIC CENTER FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE ELEVEN MONTHS ENDING MAY 31, 2003**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Operating Revenues</b>		
Rentals	\$ 726,842	\$ 527,392
Event Expenses	246,982	275,070
Display Advertising	19,000	105,700
Admissions Tax	379,161	207,420
Electrical Fees	6,950	13,831
Novelty Fees	50,612	40,534
Facility Surcharge	65,753	248,361
Charge Card Fees	44,385	61,341
Commissions	67,673	7,336
Catering/Concessions	775,850	1,222,349
Other	15,431	23,580
<b>Total Operating Revenues</b>	<u>2,398,639</u>	<u>2,732,914</u>
<b>Operating Expenses</b>		
Personal Services	1,759,437	1,798,236
Operating Expenses	1,943,239	1,847,876
Depreciation	532,491	297,797
<b>Total Operating Expenses</b>	<u>4,235,167</u>	<u>3,943,909</u>
<b>Operating Loss</b>	<u>(1,836,528)</u>	<u>(1,210,995)</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	15,992	28,652
Transfer from General Fund-Operating	1,077,815	712,565
Transfer from General Fund-Nonoperating	-	830,000
Transfer from General Fund-Victory Stadium	102,278	102,278
Transfer from Capital Projects Fund	-	385,000
Transfer to Debt Service Fund	(69,330)	-
Transfer to Department of Technology Fund	(47,754)	-
Loss on Disposal of Fixed Assets	(15,352)	-
Miscellaneous	11,141	3,908
<b>Total Nonoperating Revenues</b>	<u>1,074,790</u>	<u>2,062,403</u>
<b>Net Income (Loss)</b>	<u><u>\$ (761,738)</u></u>	<u><u>\$ 851,408</u></u>

**CITY OF ROANOKE, VIRGINIA  
PARKING FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE ELEVEN MONTHS ENDING MAY 31, 2003**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Operating Revenues</b>		
Century Station Parking Garage	\$ 350,445	\$ 353,394
Williamson Road Parking Garage	393,085	403,666
Market Square Parking Garage	207,551	198,977
Church Avenue Parking Garage	447,490	433,384
Tower Parking Garage	373,354	364,027
Gainsboro Parking Garage	34,823	6,475
Williamson Road Surface Lots	68,164	65,337
Norfolk Avenue Surface Lot	53,468	42,599
Gainsboro Surface Lot	32,917	26,176
Other Surface Lots	74,744	-
	<u>2,036,041</u>	<u>1,894,035</u>
<b>Total Operating Revenues</b>		
<b>Operating Expenses</b>		
Operating Expenses	994,574	808,957
Depreciation	504,050	497,114
	<u>1,498,624</u>	<u>1,306,071</u>
<b>Total Operating Expenses</b>		
<b>Operating Income</b>	<u>537,417</u>	<u>587,964</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	6,496	26,733
Transfer from General Fund	119,778	32,000
Transfer from Capital Projects Fund	-	108,608
Transfer to General Fund	-	(104,918)
Interest and Fiscal Charges	(540,120)	(430,428)
Miscellaneous	-	1,947
	<u>(413,846)</u>	<u>(366,058)</u>
<b>Net Nonoperating Expenses</b>		
<b>Net Income</b>	<u><u>\$ 123,571</u></u>	<u><u>\$ 221,906</u></u>



**CITY OF ROANOKE, VIRGINIA  
MARKET BUILDING FUND  
INCOME STATEMENT  
FOR THE ELEVEN MONTHS ENDING MAY 31, 2003**

	<u>FY 2003</u>
<b>Operating Revenues</b>	
Retail Space Rental	<u>\$ 111,314</u>
<b>Total Operating Revenues</b>	<u>111,314</u>
<b>Operating Expenses</b>	
Operating Expenses	123,255
Depreciation	<u>3,110</u>
<b>Total Operating Expenses</b>	<u>126,365</u>
<b>Operating Loss</b>	<u>(15,051)</u>
<b>Nonoperating Revenues</b>	
Interest on Investments	1,566
Transfer From Capital Projects Fund	295,000
Capital Contributions	<u>289,220</u>
<b>Net Nonoperating Revenues</b>	<u>585,786</u>
<b>Net Income</b>	<u><u>\$ 570,735</u></u>

**CITY OF ROANOKE, VIRGINIA  
HOTEL ROANOKE CONFERENCE CENTER COMMISSION  
COMPARATIVE INCOME STATEMENT  
FOR THE ELEVEN MONTHS ENDING MAY 31, 2003**

	<u>FY 2003</u>	<u>FY 2002</u>
<b>Operating Expenses</b>		
Salaries and Fringe Benefits	\$ 43,657	\$ 49,189
Fees for Professional Services	79,285	73,299
Administrative Expenses	<u>3,552</u>	<u>33,335</u>
<b>Total Operating Expenses</b>	<u>126,494</u>	<u>155,823</u>
<b>Nonoperating Revenues (Expenses)</b>		
Contributions from City of Roanoke	125,000	175,000
Contributions from Virginia Tech	125,000	175,000
Construction Repairs	-	(57,428)
Interest on Investments	<u>57,439</u>	<u>96,397</u>
<b>Net Nonoperating Revenues</b>	<u>307,439</u>	<u>388,969</u>
<b>Net Income Before Depreciation</b>	<b>180,945</b>	<b>233,146</b>
Depreciation Expense	<u>(468,633)</u>	<u>(468,633)</u>
<b>Net Loss</b>	<u><b>\$ (287,688)</b></u>	<u><b>\$ (235,487)</b></u>

**Note: Financial information represents activity of the Commission as accounted for in the City's financial records.**

**CITY OF ROANOKE, VIRGINIA  
INTERNAL SERVICE FUNDS  
COMPARATIVE INCOME STATEMENT  
FOR THE ELEVEN MONTHS ENDING MAY 31, 2003**

	Department of Technology	Fleet Management	Risk Management	TOTALS	
				FY 2003	FY 2002
<b>Operating Revenues</b>					
Charges for Services	\$ 3,954,521	\$ 4,208,052	\$ 10,034,790	\$ 18,197,363	\$ 16,381,153
<b>Total Operating Revenues</b>	<b>3,954,521</b>	<b>4,208,052</b>	<b>10,034,790</b>	<b>18,197,363</b>	<b>16,381,153</b>
<b>Operating Expenses</b>					
Personal Services	1,953,885	1,148,410	134,613	3,236,908	3,257,518
Operating Expenses	1,265,543	1,817,727	10,420,853	13,504,123	11,719,998
Depreciation	640,013	1,799,623	-	2,439,636	2,313,040
<b>Total Operating Expenses</b>	<b>3,859,441</b>	<b>4,765,760</b>	<b>10,555,466</b>	<b>19,180,667</b>	<b>17,290,556</b>
<b>Operating Income (Loss)</b>	<b>95,080</b>	<b>(557,708)</b>	<b>(520,676)</b>	<b>(983,304)</b>	<b>(909,403)</b>
<b>Nonoperating Revenues (Expenses)</b>					
Interest Revenue	74,844	18,642	165,240	258,726	420,972
Interest Expense	(7,945)	(71,184)	-	(79,129)	(69,732)
Transfers From General Fund	629,229	829,338	250,000	1,708,567	3,405,886
Transfer From Water Fund	41,146	-	-	41,146	-
Transfer From Water Pollution Control Fund	27,248	-	-	27,248	-
Transfer From Civic Center Fund	47,754	-	-	47,754	-
Transfer to Capital Projects Fund	-	(41,940)	-	(41,940)	-
Transfer to Grant fund	-	-	-	-	(41,350)
Loss on Disposal of Fixed Assets	(26,080)	(1,504)	-	(27,584)	(44,034)
Other Revenue	-	-	44,716	44,716	319,431
<b>Net Nonoperating Revenues</b>	<b>786,196</b>	<b>733,352</b>	<b>459,956</b>	<b>1,979,504</b>	<b>3,991,173</b>
<b>Net Income (Loss)</b>	<b>\$ 881,276</b>	<b>\$ 175,644</b>	<b>\$ (60,720)</b>	<b>\$ 996,200</b>	<b>\$ 3,081,770</b>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA**  
CITY TREASURER'S OFFICE  
GENERAL STATEMENT OF ACCOUNTABILITY  
FOR THE MONTH ENDED MAY 31, 2003

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED MAY 31, 2003.

FUND	BALANCE AT APR 30, 2003	RECEIPTS	DISBURSEMENTS	BALANCE AT MAY 31, 2003	BALANCE AT MAY 31, 2002
GENERAL	(\$71,334.19)	\$26,998,912.07	\$15,104,888.96	<b>\$11,822,688.92</b>	\$13,532,447.29
WATER	4,114,223.27	502,811.29	161,041.95	<b>4,455,992.61</b>	12,006,502.42
WATER POLLUTION CONTROL	8,625,814.52	2,010,347.72	1,541,841.79	<b>9,094,320.45</b>	9,621,914.41
CIVIC FACILITIES	385,281.80	920,167.27	355,870.13	<b>949,578.94</b>	4,092,110.49
PARKING	406,684.30	190,641.16	106,150.38	<b>491,175.08</b>	404,065.60
CAPITAL PROJECTS	52,265,098.61	1,494,340.96	559,847.04	<b>53,199,592.53</b>	63,983,570.89
MARKET BUILDING OPERATIONS	322,224.88	20,225.21	43,306.96	<b>299,143.13</b>	0.00
CONFERENCE CENTER	3,910,773.60	1,850.91	15,273.94	<b>3,897,350.57</b>	4,290,056.11
RKE VALLEY DETENTION COMM	0.00	0.00	0.00	<b>0.00</b>	2,631,078.52
DEBT SERVICE	14,504,483.27	0.00	95,253.14	<b>14,409,230.13</b>	14,071,625.25
DEPT OF TECHNOLOGY	5,339,412.70	186,661.66	294,039.52	<b>5,232,034.84</b>	5,805,105.30
MATERIALS CONTROL	0.00	0.00	0.00	<b>0.00</b>	315,573.05
FLEET MANAGEMENT	1,693,944.78	187,975.35	480,557.39	<b>1,401,362.74</b>	981,043.39
PAYROLL	(11,675,030.90)	14,561,755.38	14,935,967.88	<b>(12,049,243.40)</b>	(13,001,460.86)
RISK MANAGEMENT	11,641,193.13	1,016,245.74	737,485.51	<b>11,919,953.36</b>	12,529,918.64
PENSION	393,905.90	1,396,902.16	1,455,334.97	<b>335,473.09</b>	(11,462.17)
SCHOOL FUND	8,838,245.92	5,696,568.17	5,663,514.93	<b>8,871,299.16</b>	9,691,212.76
SCHOOL CAPITAL PROJECTS	9,369,966.11	4,031.10	66,746.52	<b>9,307,250.69</b>	7,064,832.77
SCHOOL FOOD SERVICE	433,589.51	533,213.85	404,223.89	<b>562,579.47</b>	352,789.62
FDETC	77,446.18	67,179.96	95,308.13	<b>49,318.01</b>	78,225.94
GRANT	952,064.21	382,886.88	280,911.59	<b>1,054,039.50</b>	496,857.25
<b>TOTAL</b>	<b>\$111,527,987.60</b>	<b>\$56,172,716.84</b>	<b>\$42,397,564.62</b>	<b>\$125,303,139.82</b>	<b>\$148,936,006.67</b>

**CERTIFICATE**

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED MAY 31, 2003.  
THAT SAID FOREGOING:

**CASH:**

CASH IN HAND	<b>\$1,749,487.92</b>
CASH IN BANK	<b>423,885.24</b>

**INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:**

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	<b>10,963,381.50</b>
LOCAL GOVERNMENT INVESTMENT POOL	<b>27,800,170.58</b>
MONEY MANAGEMENT ACCOUNT	<b>10,392,891.51</b>
REPURCHASE AGREEMENTS	<b>25,000,000.00</b>
U. S. AGENCIES	<b>9,424,375.00</b>
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	<b>39,548,948.07</b>
<b>TOTAL</b>	<b><u>\$125,303,139.82</u></b>

DATE: JUNE 18, 2003

  
DAVID C. ANDERSON, TREASURER

**CITY OF ROANOKE PENSION PLAN  
STATEMENT OF CHANGES IN PLAN NET ASSETS  
FOR THE ELEVEN MONTHS ENDED MAY 31, 2003**

	<u>FY 2003</u>	<u>FY 2002</u>
<b><u>Additions:</u></b>		
Employer Contributions	\$ 3,672,138	\$ 3,724,334
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	1,762,957	(17,202,503)
Interest and Dividend Income	2,724,873	4,834,438
Total Investment Income (Loss)	4,487,830	(12,368,065)
Less Investment Expense	260,537	113,339
Net Investment Income (Loss)	4,227,293	(12,481,404)
Total Additions (Deductions)	<u>\$ 7,899,431</u>	<u>\$ (8,757,070)</u>
 <b><u>Deductions</u></b>		
Benefits Paid to Participants	\$ 15,295,541	\$ 13,669,315
Administrative Expenses	290,448	313,758
Total Deductions	<u>15,585,989</u>	<u>13,983,073</u>
Net Increase (Decrease)	<b>(7,686,558)</b>	<b>(22,740,143)</b>
 <b>Net Assets Held in Trust for Pension Benefits:</b>		
Fund Balance, July 1	289,534,315	326,337,980
Fund Balance, May 31	<u><u>\$281,847,757</u></u>	<u><u>\$303,597,837</u></u>

**CITY OF ROANOKE PENSION PLAN  
BALANCE SHEET  
MAY 31, 2003**

	<u>FY 2003</u>	<u>FY 2002</u>
<b><u>Assets</u></b>		
Cash	\$ 335,424	\$ (11,565)
Investments, at Fair Value	282,936,088	304,875,672
Due from Other Funds	1,590	1,843
Other Assets	<u>5,785</u>	<u>5,434</u>
<b>Total Assets</b>	<b><u>\$ 283,278,887</u></b>	<b><u>\$ 304,871,384</u></b>
 <b><u>Liabilities and Fund Balance</u></b>		
Liabilities:		
Due to Other Funds	\$ 1,430,815	\$ 1,269,239
Accounts Payable	<u>315</u>	<u>4,308</u>
<b>Total Liabilities</b>	<b><u>1,431,130</u></b>	<b><u>1,273,547</u></b>
 Fund Balance:		
Fund Balance, July 1	289,534,315	326,337,980
Net Gain (Loss) - Year to Date	<u>(7,686,558)</u>	<u>(22,740,143)</u>
<b>Total Fund Balance</b>	<b><u>281,847,757</u></b>	<b><u>303,597,837</u></b>
<b>Total Liabilities and Fund Balance</b>	<b><u>\$ 283,278,887</u></b>	<b><u>\$ 304,871,384</u></b>



# **CITY OF ROANOKE**

## **DEPARTMENT OF FINANCE**

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

**Director of Finance**

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

**Deputy Director**

email: ann\_shawver@ci.roanoke.va.us

July 7, 2003

The Honorable Ralph K. Smith, Mayor  
 The Honorable C. Nelson Harris, Vice Mayor  
 The Honorable William D. Bestpitch, Council Member  
 The Honorable M. Rupert Cutler, Council Member  
 The Honorable Alfred T. Dowe, Jr., Council Member  
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

At the close of fiscal year 2003, budgeted funds were obligated for outstanding encumbrances. Purchase orders or contracts were issued for goods and services as of the close of fiscal year 2003, but delivery of the goods or performance of the services had not been completed. Reappropriation of these funds carries forward the unspent budgets that were originally appropriated and are contractually obligated for the goods and services. The appropriation amounts are as follows:

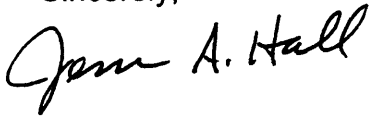
General Fund	\$ 1,968,007
Water Fund	270,169
Water Pollution Control Fund	600,430
Civic Facilities Fund	31,309
Department of Technology Fund	187,216
Fleet Management Fund	1,305,495
School Fund	2,620,094
School Food Services Fund	50,570

Honorable Mayor and Members  
Of City Council  
July 07, 2003

Page 2

I recommend that Council adopt the attached budget ordinances to reappropriate these funds into the current year budgets in order that these encumbrances may be properly liquidated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse A. Hall". The signature is fluid and cursive, with the first name "Jesse" being more prominent.

Jesse A. Hall  
Director of Finance

JAH/DH/g  
Attachments

c: Darlene L. Burcham, City Manager  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Richard L. Kelley, Assistant Superintendent of Operations  
Robert H. Bird, Acting Purchasing Manager





## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General, Water, Water Pollution Control, Civic Center, Department of Technology, Fleet Management, School and School Food Services Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 General, Water, Water Pollution Control, Civic Center, Department of Technology, Fleet Management, School and School Food Services Funds Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

### **General Fund**

#### **Appropriations**

Treasurer	\$ 5,075
Clerk of Circuit Court	2,772
Juvenile and Domestic Relations Court Services	275
General District Court	11,168
Commissioner of the Revenue	47
Jail	134,442
City Council	389
City Attorney	8,233
Department of Finance	14,533
Billings and Collections	43,304
Electoral Board	55
Office of Communications	2,945
Economic Development	2,608
Human Resources	22,395
Department of Management and Budget	1,324
E911 Center	13,068
Telecommunications	57,636
Purchasing	12
Director of General Services	1,706
Management Services	225

Custodial Services	\$ 21,586
Building Maintenance	295,788
Fire - Support	237
Fire - Airport Rescue	164
Emergency Medical Services	14,686
Transportation - Streets and Traffic	153,645
Transportation - Paving	484,076
Transportation - Snow Removal	70,510
Transportation - Street Lighting	18,729
Transportation - Engineering and Operations	32,672
Solid Waste Management	14,323
Engineering	146,274
Building Services	5,675
Neighborhood Partnership	15,536
Housing & Neighborhood Services	16,150
Parks	111,769
Recreation	38,679
Parks & Recreation - Administration	79,348
Human Services & Community Education	30,485
Social Services - Administration	251
Income Maintenance	653
Social Services - Services	5,962
Employment Services	330
Foster Parent Training	2,743
Comprehensive Services Act - Administration	800
Youth Haven	84
Crisis Intervention	6,763
Police - Patrol	9,092
Police - Services	46,180
Police - Training	8,515
Law Library	8,760
Libraries	5,180
Environmental Services and Emergency Management	<u>150</u>
Total Appropriations	<u>\$ 1,968,007</u>
<u>Fund Balance</u>	
Reserve for Prior Year Encumbrances	<u>\$ 1,968,007</u>
<u>Water Fund</u>	
<u>Appropriations</u>	
Water - Operating	\$ 40,920
Water - Pumping Stations	8,198
Water - Purification	67,148
Water - Capital Outlay	137,200
Utility Line Services	<u>16,703</u>
Total Appropriations	<u>\$ 270,169</u>

**Water Pollution Control Fund****Appropriations**

Water Pollution Control - Administration	\$ 577,361
Water Pollution Control - Maintenance	22,292
Water Pollution Control - Operations	<u>777</u>
Total Appropriations	<u>\$ 600,430</u>

**Civic Center Fund****Appropriations**

Operating	\$ 12,565
Capital Outlay	<u>18,744</u>
Total Appropriations	<u>\$ 31,309</u>

**Department of Technology Fund****Appropriations**

Information Technology Division	<u>\$ 187,216</u>
Total Appropriations	<u>\$ 187,216</u>

**Fleet Management Fund****Appropriations**

Operating	\$ 34,035
Capital Outlay	<u>1,271,460</u>
Total Appropriations	<u>\$ 1,305,495</u>

**School Fund****Appropriations**

Instruction	\$ 689,522
General Support	59,844
Transportation	34,116
Operation/Maintenance of Plant	162,728
Facilities	<u>1,673,884</u>
Total Appropriations	<u>\$ 2,620,094</u>

**Fund Balance**

Reserve for Prior Year Encumbrances	<u>\$ 2,620,094</u>
-------------------------------------	---------------------

**School Food Services Fund**

**Appropriations**

Food Services	\$ 1,570
Facilities	<u>49,000</u>
Total Appropriations	<u>\$ 50,570</u>

**Fund Balance**

Reserve for Prior Year Encumbrances	<u>\$ 50,570</u>
-------------------------------------	------------------

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166  
 Roanoke, Virginia 24011  
 Telephone: (540) 853-1730 Fax: (540) 853-1230  
 E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

July 7, 2003

Architectural Review Board  
 Board of Zoning Appeals  
 Planning Commission

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Council Member  
 Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Renaming of the Railside Linear Walk to the O. Winston Link  
 Railwalk

Planning Commission Action:

Planning Commission considered this matter on Thursday, June 19, 2003. By a vote of 5-0 (Mr. Chrisman abstaining), the Commission recommended approval of the proposed change of the name of the Railside Linear Walk to the O. Winston Link Railwalk.

Background:

The Railside Linear Walk project has been a multi-year effort linking the downtown market area with the Transportation Museum, and honoring Roanoke's railroad history. A proposal to change the name to the O. Winston Link Railwalk had been presented to City Council at its May 19, 2003 meeting. Upon consideration of this request and public comment received during the meeting, the City Council referred this matter to the City Planning Commission for study, report, and recommendation. Prior to the City Planning Commission's consideration, various organizations with an interest in downtown, historic, and railroad related issues were contacted in order to give them an opportunity to comment on this name change request.

The Commission received written comments from the following organizations and interests:

Downtown Roanoke Incorporated, which supported the name change to the O. Winston Link Railwalk.

Roanoke Chapter, National Railway Historic Society, which did not support the proposed name change, but preferred naming after Robert H. Smith, former president of the Norfolk and Western Railroad.

Roanoke Valley Preservation Foundation, which did not support the proposed name change, but preferred naming the walk the "Norfolk and Western Railwalk."

Copies of these comments in their entirety are attached.

Mr. John Bradshaw, as President of the Southwest Virginia History Museum, appeared before the Commission during their meeting to speak in favor of the proposed name change. Mr. Bradshaw stated that his organization's support for the name change was related not only to Mr. Link's connection to the Roanoke Valley, but also to his contributions to the commemoration of Roanoke's railroad heritage. He also stated that the Link name would help in the 'branding' of the railwalk for railroad buffs.

Considerations:

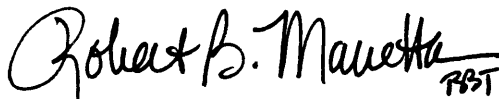
Planning Commission discussion centered on the wide range of opinions that were presented on this subject, and the current status of the railwalk in relation to its original concept and intent. Some members of the Commission stated that the railwalk had not been implemented to the point that it could be identifiable to any one person. However, the eventual consensus on the Commission was that the question at hand was not the current programming of the walk or whether or not it had fully reached its potential, but whether the requested name change was appropriate.

The consensus of the Commission was that there appeared to be no compelling reason not to support the requested name change, nor any reason to continue to seek additional input into the matter before sending a recommendation to the City Council.

Recommendation:

By a vote of 5-0 (Mr. Chrisman abstaining), the Commission recommended approval of the proposed change of the name of the Railside Linear Walk to the O. Winston Link Railwalk.

Respectfully submitted,



Robert B. Manetta, Chairman  
City of Roanoke Planning Commission

cc: Darlene L. Burcham, City Manager  
Rolanda Russell, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney



# Downtown Roanoke Inc.

213 Market Street • Roanoke, VA 24011 • 540•342•2028 • FAX 344•1452  
www.downtownroanoke.org • e-mail: dri@downtownroanoke.org

## EXECUTIVE COMMITTEE

**M. HELEN BUTLER**  
Carilion Health System  
Chair

**STEPHEN W. LEMON**  
Martin Hopkins & Lemon, PC  
Chair-Elect & Vice-Chair

**DON J. HARRISON**  
First Union National Bank  
Immediate Past Chair

**MICHAEL T. DITTRICH**  
Pepsi Bottling Group  
Secretary & Vice-Chair

**G. LOGAN FORSYTH**  
Chas. Lunsford Sons & Associates  
Treasurer

**ROBERT H. FETZER**  
Building Specialists, Inc.  
Vice-Chair

**KENNETH RATTENBURY**  
Fret Mill Music Company  
Vice-Chair

**MARYELLEN F. GOODLATTE**  
Glenn Feldmann Darby & Goodlatte  
Vice-Chair

**SABRENE BLEVINS**  
The Wallace Agency  
At-Large

**MICHAEL E. WARNER**  
N & W Properties  
At-Large

**DAVID A. DIAZ**  
President

## DIRECTORS

**ROBERT K. BENGTSON**  
City of Roanoke

**MARK BOWER**  
Norfolk Southern Corporation

**MICHAEL J. BRUNETTE**  
NewsChannel 10 (WSLS-TV)

**VICTOR O. CARDWELL**  
Woods Rogers & Hazlegrove

**CYNTHIA S. CASSELL**  
Twist & Turns

**ELAINE FRANTZ**  
vanBlaricom & Frantz

**ELLIS L. GUTSHALL**  
Valley Bank

**TERRY HALL**  
American Electric Power

**JAMES N. HINSON**  
First Virginia Bank-Southwest

**SUSAN W. JENNINGS**  
The Arts Council of the Blue Ridge

**F. GEOFFREY JENNINGS**  
Frank L. Moose Jewelers

**DR. THOMAS MCKEON**  
Roanoke Higher Education Center

**F. ALLAN POLLARD, II**  
Corned Beef & Company

**CALVIN POWERS**  
Guard Rail Inc.

**MICHAEL R. RIELEY**  
Verizon

**MANJIT S. TOOR**  
Sherertz Franklin Crawford Shaffner, Inc.

**DENNIS TRAUBERT**  
First Citizens Bank

**WILLIAM F. TRINKLE**  
Francis Realtors

**MICHAEL WALDVOGEL**  
Waldvogel Poe & Cronk

**MARK W. WOODS**  
Woods Farms

**WILLIAM H. CARDER**  
Roanoke City Council Liaison

June 2, 2003

Mr. R. Brian Townsend, Agent  
City Planning Commission  
215 Church Avenue, Rm. 166  
Roanoke, VA 24011

Dear Mr. Townsend,

In response to your letter dated May 23, 2003, Downtown Roanoke, Incorporated (DRI) supports the renaming of the Railside Linear Walk to the O. Winston Link Railwalk.

DRI supports this because the new name would more clearly connect the Transportation Museum with the proposed Link Museum. This would benefit the downtown by promoting multiple venues as a unified experience to potential visitors.

We ask that you not support a hyphenated name because our experience in advertising and marketing suggests that it will likely cause confusion and hinder the railwalk from being effectively promoted to potential visitors.

Please call me at (540) 342-2028 if you have any questions.

Sincerely

David A. Diaz  
President

cc: Helen Butler, DRI Chair

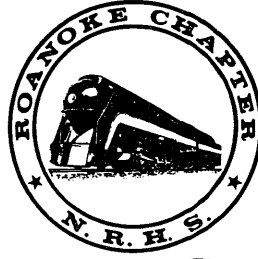
RECEIVED

JUN - 4 2003

CITY OF ROANOKE  
PLANNING BUILDING AND DEVELOPMENT



Greater  
Roanoke  
Region  
OF VIRGINIA



RECEIVED

JUN 18 2003

CITY OF ROANOKE  
PLANNING BUILDING AND DEVELOPMENT

**ROANOKE CHAPTER**  
**NATIONAL RAILWAY HISTORICAL SOCIETY**  
Post Office Box 13222 • Roanoke, Virginia 24032-3222

June 16, 2003

Mr. R. Brian Townsend, Agent  
City of Roanoke, Planning Commission  
215 Church Avenue S.W., Room 166  
Roanoke, VA 24011

Dear Mr. Townsend:

Regarding your letter of May 23, 2003 on the proposed renaming of the Railside Linear Park to the O. Winston Link Railwalk.

Our Board of Directors has met and requested I write this letter expressing our opinion. We are opposed to the renaming of this Park in honor of O. Winston Link. Mr. Link is already being honored with the now under construction Museum in the former N&W Passenger Station. While Link was tremendous artist, in relation to Roanoke, he had a very minor role in the city's rail history.

Instead, we offer the suggestion to rename the Railwalk to honor one of Roanoke's own, Robert H. Smith, N&W President from 1946-1958. Smith is the last N&W President to work his way up from common labor to management, he guided the railroad in this very critical time, and was truly an officer who kept his contact with the average worker, and was well known across the system, and well liked.

In addition, a railwalk seems most appropriate to this anecdote of Smith's career. He told his management staff to meet him at the passenger station the next day where they would set out for Bluefield. The men showed up at the appointed hour, most dressed in white linen suits for the summer weather. There was Smith, ready to go, but there was no special train. Instead, Smith said they were walking the railroad to Bluefield so the men would understand how it worked.

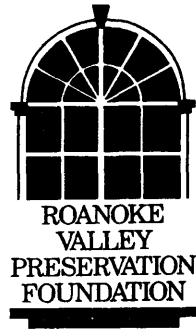
We are aware that Smith Park is supposedly named in his honor, however, without his actual initials as part of the name, it becomes as generic a name as can be done. Instead let us honor the memory of a Roanoker who walked among the common workers as one of their own, unlike the elevated position of many of today's CEOs

Yours very truly,

Kenneth L. Miller  
President

Copy: Secretary File





RECEIVED

JUN 18 2003

CITY OF ROANOKE  
PLANNING BUILDING AND DEVELOPMENT

June 16, 2003

R. Brian Townsend  
Agent  
City Planning Commission  
215 Church Avenue, S.W.  
Room 166  
Roanoke, VA 24011

RE: Proposed Renaming of the Railside Linear Park to the O. Winston Link Railwalk

Dear Mr. Townsend:

Thank you for inviting the Roanoke Valley Preservation Foundation to comment on the proposed renaming of the Railside Linear Park to the O. Winston Link Railwalk. We regret that we will not be able to attend the meeting of the Planning Commission on Thursday, June 19<sup>th</sup>, however, we would like to submit herewith in writing our comments.

After careful consideration and discussion, the Foundation would like to recommend that the Railside Linear Park be renamed the Norfolk & Western Railwalk. While we see the merits of naming the railwalk in honor of O. Winston Link, we feel that his contributions to the railroad and Roanoke are appropriately recognized in the O. Winston Link Museum located in the renovated Norfolk & Western Passenger Station. While many of the structures built by N&W have been renovated recently and continue to serve as a focal point of Roanoke, these buildings have been renamed in the process – the Higher Education Center (N&W General Office Building North), the 8 Jefferson Place (N&W General Office Building South), the Roanoke Tourism and Visitors Bureau / O. Winston Link Museum (N&W Passenger Station) – and no longer bear the name N&W as their commonly used name. The name of the company itself has been lost in the merger with the Southern Railway to become the Norfolk Southern Corporation. We feel that as the City of Roanoke was created by the location of the headquarters for the Norfolk & Western Railway Company, it is appropriate to memorialize the contributions of this railroad to the founding and development of Roanoke by naming the railwalk the Norfolk & Western (N&W) Railwalk. Interpretative signage and displays along the railwalk can be used to highlight the contributions of individuals or specific events within the railroad and Roanoke's history. These can also be used to direct visitors to associated sites, such as the O. Winston Link Museum.

Thank you again for the opportunity to comment and the consideration of our recommendation to name the railwalk the Norfolk & Western Railwalk.

Sincerely,  
*Alison S. Blanton*  
Alison S. Blanton  
President

P.O. Box 1558 • Roanoke, Virginia 24007

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION renaming the Railside Linear Walk as the O. Winston Link Railwalk.

WHEREAS, O. Winston Link developed a world-wide reputation for his memorable black and white photographs of steam locomotives;

WHEREAS, O. Winston Link made numerous trips to Roanoke to photograph the last steam railroad in the country, the Norfolk & Western Railway Company;

WHEREAS, the world's only museum dedicated to O. Winston Link's photographs will be in the renovated Passenger Station located in the downtown market area;

WHEREAS, the Railside Linear Walk links the downtown market area with the Transportation Museum via Norfolk Avenue from Third Street, S.W., to Market Street, S.E.;  
and

WHEREAS, the Railside Linear Walk provides recreational opportunities for the citizens in the Roanoke Valley to enjoy walking, jogging, bicycling and other forms of recreation and access to the O. Winston Link museum.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The name of the Railside Linear Walk is hereby changed to the O. Winston Link Railwalk to reflect the significant contribution of O. Winston Link's photographs to

Roanoke's culture and art.

2. The City Manager is requested to cause this renaming to be noted with the installation of appropriate signs to indicate the change in the name of the Railside Linear Walk to the O. Winston Link Railwalk.

ATTEST:

City Clerk.